



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H1244	2
H1245	3
H1246	4
H1247	5
HF623	6
HF624	14
HF625	18
HF626	21
S3111	29
S3112	30
S3113	35
S3114	36
S3115	37
S3116	38
S3117	41
S3118	42
SF435	43
SF436	71
SF437	76



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 615

H-1244

- 1 Amend the amendment, H-1235, to House File 615 as
2 follows:
3 1. Page 1, after line 13 by inserting:
4 <_. Page 1, after line 33 by inserting:
5 <d. "Nonprofit corporation" means a corporation
6 organized under chapter 504 and qualifying under
7 section 501(c)(3) of the Internal Revenue Code as an
8 organization exempt from federal income tax under
9 section 501(a) of the Internal Revenue Code.>>
- 10 2. Page 1, by striking lines 24 through 26 and
11 inserting <collaborate on advancing innovation in this
12 state, shall be in compliance with the requirements
13 of section 15.107A, subsection 3, and shall not be
14 controlled by a financial institution as defined
15 in section 422.61 or a credit union as defined in
16 section 533.102. For purposes of this subparagraph
17 (2), "controlled" means the ability, either directly
18 or indirectly through an affiliate of the financial
19 institution or credit union, to direct or cause
20 the direction of the management and policies of the
21 nonprofit corporation, and includes but is not limited
22 to instances in which fifty percent or more of the
23 directors, officers, or members of the nonprofit
24 corporation are also a director, officer, member,
25 owner, employee, or agent of the financial institution,
26 credit union, or of an affiliate of the financial
27 institution or credit union. "Affiliate" includes
28 any entity that owns or holds fifty percent or more
29 of the equity interest or voting power in a financial
30 institution or credit union, or any entity in which
31 fifty percent or more of the entity's equity interest
32 or voting power is owned or held by a financial
33 institution or credit union.>
- 34 3. Page 1, after line 42 by inserting:
35 <_. Page 2, line 29, after <fund.> by inserting
36 <Notwithstanding any other provision of law to the
37 contrary, a nonprofit corporation operating an
38 innovation fund shall not be allowed to make an equity
39 investment in such innovation fund.>>
- 40 4. By renumbering as necessary.

LOFGREN of Muscatine

THOMAS of Clayton

H1235.1418 (3) 85

-1-

mm/sc

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 615

H-1245

1 Amend the amendment, H-1239, to House File 615, as
2 follows:
3 1. Page 1, by striking lines 3 through 5 and
4 inserting <3, line 2, and inserting <shall not be
5 permitted to vote for or participate in a decision to
6 invest moneys from the innovation fund in a business in
7 which the investor has a controlling interest.>>

LOFGREN of Muscatine



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 615

H-1246

1 Amend the amendment, H-1235, to House File 615 as
2 follows:
3 1. Page 1, after line 13 by inserting:
4 <____. By striking page 2, line 35, through page
5 3, line 2, and inserting <which the investor has a
6 controlling interest.>>

LOFGREN of Muscatine



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 523

H-1247

- 1 Amend House File 523 as follows:
- 2 1. Page 2, by striking lines 11 through 33.
- 3 2. Title page, lines 3 and 4, by striking
- 4 <vehicles, the restore the outdoors program, and
- 5 protected wetlands.> and inserting <vehicles and the
- 6 restore the outdoors program.>
- 7 3. By renumbering as necessary.

RAYHONS of Hancock

HF523.1423 (2) 85
(amending this HF
523 to CONFORM to
SF 272)
dea/nh

-1-

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 623 - Introduced

HOUSE FILE 623
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 578)
(SUCCESSOR TO HSB 80)

A BILL FOR

1 An Act relating to the transfer of real estate and the filing
2 of a mortgage release certificate, providing for a fee and
3 making remedies applicable, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1240HZ (1) 85
rh/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 623

1 Section 1. Section 16.92, Code 2013, is amended by striking
2 the section and inserting in lieu thereof the following:
3 **16.92 Real estate transfer — mortgage release certificate.**
4 1. *Definitions.* As used in this section, unless the context
5 otherwise requires:
6 a. *"Applicant"* means a person authorized to regularly lend
7 moneys to be secured by a mortgage on real property in this
8 state, a licensed real estate broker, a licensed attorney, a
9 participating abstractor, or a licensed closing agent.
10 b. *"Closing agent"* means a closing agent subject to the
11 licensing requirements of chapter 535B.
12 c. *"Division"* means the title guaranty division in the Iowa
13 finance authority, the director of the division, or a designee
14 of the director.
15 d. *"Division board"* means the board of directors of the
16 title guaranty division of the Iowa finance authority.
17 e. *"Mortgage"* means a mortgage or mortgage lien on an
18 interest in real property in this state given to secure a loan
19 in an original principal amount equal to or less than the
20 maximum principal amount as determined by the division board
21 and adopted by the Iowa finance authority pursuant to chapter
22 17A.
23 f. *"Mortgage servicer"* means the mortgagee or a person
24 other than the mortgagee to whom a mortgagor or the mortgagor's
25 successor in interest is instructed by the mortgagee to
26 send payments on a loan secured by the mortgage. A person
27 transmitting a payoff statement for a mortgage is a mortgage
28 servicer for purposes of such mortgage and this chapter.
29 g. *"Mortgagee"* means the grantee of a mortgage. If a
30 mortgage has been assigned of record, the mortgagee is the last
31 person to whom the mortgage is assigned of record.
32 h. *"Mortgagor"* means the grantor of a mortgage.
33 i. *"Participating abstractor"* means an abstractor
34 participating in the title guaranty program.
35 j. *"Payoff statement"* means a written statement furnished by

LSB 1240HZ (1) 85

-1-

rh/sc

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 623

1 the mortgage servicer which sets forth all of the following:

2 (1) The unpaid balance of the loan secured by a mortgage,
3 including principal, interest, and any other charges properly
4 due under or secured by the mortgage, or the amount required to
5 be paid in order to release or partially release the mortgage.

6 (2) The address where payment is to be sent or other
7 specific instructions for making a payment.

8 (3) The legal description, street address, or other
9 description sufficient to identify the property that will be
10 released from the mortgage.

11 2. *Application.* The division may execute and record a
12 certificate of release on behalf of the division in the real
13 property records of each county in which a mortgage is recorded
14 as provided in this section if all of the following are
15 satisfied:

16 a. The applicant submits all of the following in writing to
17 the division:

18 (1) A payoff statement or other documentation of the amount
19 due, acceptable to the division, as evidence that the mortgage
20 does not continue to secure an unpaid obligation due the
21 mortgagee or an unfunded commitment by the mortgagor to the
22 mortgagee.

23 (2) Evidence that payment was made, including, if
24 available, a statement as to the date the payment was received
25 by the mortgagee or mortgage servicer, with supporting
26 documentation, as evidenced by one or more of the following:

27 (a) A bank check, certified check, escrow account check,
28 real estate broker trust account check, attorney trust account
29 check, or wire receipt, that was negotiated by the mortgagee or
30 mortgage servicer.

31 (b) Other documentary evidence, acceptable to the division,
32 of payment to the mortgagee or mortgage servicer.

33 b. The applicant confirms in writing to the division all of
34 the following:

35 (1) More than thirty days have elapsed since the date the

LSB 1240HZ (1) 85

-2-

rh/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 623

1 payment was sent.

2 (2) An effective satisfaction or release of the mortgage
3 has not been executed and recorded within thirty days after the
4 date of payment.

5 3. *Notice.*

6 a. Prior to the execution and filing of a certificate of
7 release pursuant to this section, the division shall notify the
8 mortgage servicer in writing of all of the following:

9 (1) The mortgage has not been released.

10 (2) The division's intention to execute and record
11 a certificate of release pursuant to this section after
12 expiration of the thirty-day period following the sending of
13 the notice.

14 b. The notice shall include instructions to notify the
15 division in writing within thirty days of the effective date of
16 the notice of any reason why the certificate of release should
17 not be executed and recorded.

18 c. For purposes of this section, notice may be served by any
19 of the following methods:

20 (1) By certified mail or any commercial delivery service,
21 properly addressed with postage or cost of delivery provided
22 for.

23 (2) By facsimile transmission or electronic mail to an
24 address provided by the mortgage servicer, but only if the
25 mortgage servicer agrees to receive notice in that manner.

26 (3) By publication in a newspaper of general circulation
27 published in each county where the mortgage is recorded once
28 each week for three consecutive weeks after receiving an
29 affidavit by the applicant that service in accordance with the
30 provisions of subparagraph (1) or (2) cannot be made on the
31 mortgage servicer.

32 (4) By otherwise causing the notice to be received by the
33 mortgage servicer within the time it would have been received
34 if notice had been served by certified mail or commercial
35 delivery service.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 623

1 *d.* For purposes of this section, notice is effective under
2 any of the following circumstances:
3 (1) The day after the notice is deposited with a commercial
4 delivery service for overnight delivery.
5 (2) Three days after the notice is deposited with the United
6 States postal service, or with a commercial delivery service
7 for delivery other than by overnight delivery.
8 (3) The day the notice is transmitted, if served pursuant to
9 paragraph "c", subparagraph (2).
10 (4) On the last day of publication, if published pursuant to
11 paragraph "c", subparagraph (3).
12 (5) The day the notice is received, if served by a method
13 other than as provided in paragraph "c", subparagraph (1), (2),
14 or (3).
15 *e.* If, prior to executing and recording the certificate of
16 release, the division receives a written notification setting
17 forth a reason that is satisfactory to the division as to why
18 the certificate of release should not be executed, the division
19 shall not execute and record the certificate of release.
20 4. *Contents.* A certificate of release executed under this
21 section must contain substantially the information set forth
22 as follows:
23 *a.* The name of the mortgagor.
24 *b.* The name of the original mortgagee.
25 *c.* The date of the mortgage.
26 *d.* The date of recording, including the volume and page or
27 other applicable recording information in the real property
28 records of each county where the mortgage is recorded.
29 *e.* A statement that the release was prepared in accordance
30 with this section.
31 5. *Execution.* A certificate of release under this section
32 shall be executed and acknowledged in the same manner as
33 required by law for the execution of a deed.
34 6. *Recording.* The certificate of release or partial
35 release shall be recorded in each county where the mortgage is

LSB 1240HZ (1) 85
rh/sc

-4-

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 623

1 recorded.

2 7. *Effect.*

3 a. For purposes of a release or partial release of a
4 mortgage, a certificate of release executed under this section
5 that contains the information and statements required under
6 subsection 4 is prima facie evidence of the facts contained in
7 such release or partial release, is entitled to be recorded
8 with the county recorder where the mortgage is recorded,
9 operates as a release or partial release of the mortgage
10 described in the certificate of release, and may be relied upon
11 by any person who owns or subsequently acquires an interest in
12 the property released from the mortgage. The county recorder
13 shall rely upon the certificate of release to release the
14 mortgage.

15 b. Recording of a wrongful or erroneous certificate of
16 release by the division shall not relieve the mortgagor, or the
17 mortgagor's successors or assigns on the debt, from personal
18 liability on the loan or on other obligations secured by the
19 mortgage.

20 c. In addition to any other remedy provided by law, if the
21 division through an act of negligence wrongfully or erroneously
22 records a certificate of release under this section, the
23 division is liable to the mortgagee and mortgage servicer
24 for actual damages sustained due to the recording of the
25 certificate of release.

26 d. Upon payment of a claim relating to the recording of
27 a certificate of release, the division is subrogated to the
28 rights of the claimant against all persons relating to the
29 claim.

30 8. *Fee.* The division may charge a fee for services under
31 this section.

32 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill relates to the transfer of real estate and the

LSB 1240HZ (1) 85

-5-

rh/sc

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 623

1 filing of a mortgage release certificate, providing for a fee,
2 and making remedies applicable.

3 Code section 16.92 allows the title guaranty division
4 (division) of the Iowa finance authority to execute and record
5 a mortgage release certificate in each county (county recorder)
6 in which a mortgage is recorded if such mortgage has been
7 paid off but not released of record or has been incorrectly
8 released.

9 The bill reorganizes, consolidates, and amends certain
10 provisions in Code section 16.92 relating to the application
11 process for a certificate of release, notice requirements
12 the division must follow in notifying a mortgage servicer of
13 the division's intention to execute and record a certificate
14 of release upon the division's receipt of a mortgage release
15 application, and execution requirements relating to the
16 certificate of release. The bill specifies that a request for
17 a mortgage release certificate may be made by an applicant,
18 defined in the bill as a person authorized to regularly lend
19 moneys to be secured by a mortgage on real property in this
20 state, a licensed real estate broker, a licensed attorney, a
21 participating abstractor, or a licensed closing agent. The
22 applicant is required to submit certain evidence acceptable to
23 the division and the applicant must confirm in writing that
24 the mortgage has been paid off and that no release of the
25 mortgage has occurred. The bill provides that the certificate
26 of release executed by the division is only required to contain
27 certain basic information about the mortgage and the execution
28 of the certificate and also authorizes the division to charge a
29 fee for services relating to the execution of the certificate
30 of release.

31 Under Code section 16.92, for purposes of a release or
32 partial release of a mortgage, a properly executed certificate
33 of release is prima facie evidence of the facts contained in
34 such release or partial release, is entitled to be recorded
35 with the county recorder where the mortgage is recorded,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 623

1 operates as a release or partial release of the mortgage
2 described in the certificate of release, and may be relied upon
3 by any person who owns or subsequently acquires an interest in
4 the property released from the mortgage. The county recorder
5 is required to rely upon the certificate of release to release
6 the mortgage. In addition to any other remedy provided by
7 law, if the division through an act of negligence wrongfully
8 or erroneously records a certificate of release, the division
9 is liable to the mortgagee and mortgage servicer for actual
10 damages sustained due to the recording of the certificate of
11 release.
12 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 624 - Introduced

HOUSE FILE 624
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 502)
(SUCCESSOR TO HSB 164)

A BILL FOR

1 An Act relating to real estate broker and real estate
2 salesperson licensing fees and allocations from those fees,
3 and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2164HZ (3) 85
rn/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 624

1 Section 1. Section 543B.14, Code 2013, is amended to read
2 as follows:

3 **543B.14 Fees and expenses — funds.**

4 All fees and charges collected by the real estate commission
5 under this chapter shall be paid into the general fund of the
6 state, except that ~~fifty~~ twenty-five dollars from each real
7 estate salesperson's license fee and each broker's license
8 ~~shall be paid into the Iowa real estate education fund created~~
9 ~~in section 543B.54~~ fee is appropriated to the professional
10 licensing and regulation bureau of the banking division of
11 the department of commerce for the purpose of hiring and
12 compensating a real estate education director and regulatory
13 compliance personnel. All expenses incurred by the commission
14 under this chapter, including compensation of staff assigned to
15 the commission, shall be paid from funds appropriated for those
16 purposes, ~~except for expenses incurred and compensation paid~~
17 ~~for the real estate education director, which shall be paid out~~
18 ~~of the real estate education fund.~~

19 Sec. 2. Section 546.10, subsection 3, paragraph b, Code
20 2013, is amended to read as follows:

21 *b.* Notwithstanding subsection 5, eighty-five percent of the
22 funds received annually resulting from an increase in licensing
23 fees implemented on or after April 1, 2002, by a licensing
24 board or commission listed in subsection 1, is appropriated
25 to the professional licensing and regulation bureau to be
26 allocated to the board or commission for the fiscal year
27 beginning July 1, 2002, and succeeding fiscal years, for
28 purposes related to the duties of the board or commission,
29 including but not limited to additional full-time equivalent
30 positions. In addition, notwithstanding subsection 5,
31 twenty-five dollars from each real estate salesperson's license
32 fee and each broker's license fee received pursuant to section
33 543B.14 is appropriated to the professional licensing and
34 regulation bureau for the purpose of hiring and compensating
35 a real estate education director and regulatory compliance

LSB 2164HZ (3) 85

-1-

rn/sc

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 624

1 personnel. The director of the department of administrative
2 services shall draw warrants upon the treasurer of state from
3 the funds appropriated as provided in this section and shall
4 make the funds available to the professional licensing and
5 regulation bureau on a monthly basis during each fiscal year.

6 Sec. 3. REPEAL. Section 543B.54, Code 2013, is repealed.

7 Sec. 4. REAL ESTATE EDUCATION FUND — REMAINING FUNDS
8 TRANSFER. Any funds remaining in the real estate education
9 fund on June 30, 2013, shall not revert to the general fund of
10 the state but are appropriated to the professional licensing
11 and regulation bureau of the banking division of the department
12 of commerce. Funds appropriated pursuant to this section
13 shall be used for the public purpose of providing a grant to a
14 nonprofit foundation affiliated with a statewide association
15 of real estate professionals to provide real estate education
16 programs, scholarship assistance, housing assistance programs,
17 or to otherwise further the mission of the foundation.

18 EXPLANATION

19 This bill relates to real estate broker and real estate
20 salesperson licensing fees and allocations from those fees.

21 The bill reduces an allocation of \$50 that is currently
22 mandated from each real estate broker and real estate
23 salesperson licensing fee for deposit into the Iowa real estate
24 education fund created in Code section 543B.54 to provide
25 grants to educational institutions to provide real estate
26 education programs and to hire and compensate a real estate
27 education director and regulatory compliance personnel. The
28 bill reduces the allocation to \$25, and appropriates the
29 allocation to the professional licensing and regulation bureau
30 of the banking division of the department of commerce for the
31 purpose of hiring and compensating a real estate education
32 director and regulatory compliance personnel.

33 The bill also repeals Code section 543B.54, modifies related
34 provisions, and provides that any funds remaining in the Iowa
35 real estate education fund on June 30, 2013, shall not revert

LSB 2164HZ (3) 85

-2-

rn/sc

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 624

1 to the general fund of the state but are instead appropriated
2 to the professional licensing and regulation bureau for the
3 public purpose of providing a grant to a nonprofit foundation
4 affiliated with a statewide association of real estate
5 professionals for purposes specified in the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 625 - Introduced

HOUSE FILE 625
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 225)

A BILL FOR

1 An Act relating to the school tuition organization tax credit
2 by allowing the tax credit for contributions made by
3 certain entities, increasing the amount of total approved
4 tax credits, and including effective date and retroactive
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2259HV (1) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 625

1 Section 1. Section 422.11S, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. An individual may claim the tax
4 credit allowed a partnership, limited liability company, S
5 corporation, estate, or trust electing to have the income
6 taxed directly to the individual. The amount claimed by the
7 individual shall be based upon the pro rata share of the
8 individual's earnings of the partnership, limited liability
9 company, S corporation, estate, or trust.

10 Sec. 2. Section 422.11S, subsection 7, paragraph a,
11 subparagraph (2), Code 2013, is amended to read as follows:

12 (2) *"Total approved tax credits"* means for the tax year
13 beginning in the 2006 calendar year, two million five hundred
14 thousand dollars, for the tax year beginning in the 2007
15 calendar year, five million dollars, and for tax years
16 beginning on or after January 1, 2008, but before January 1,
17 2012, seven million five hundred thousand dollars. ~~However,~~
18 for tax years beginning on or after January 1, 2012, ~~"total~~
19 ~~approved tax credits"~~ means but before January 1, 2014, eight
20 million seven hundred fifty thousand dollars, and for tax years
21 beginning on or after January 1, 2014, twelve million dollars.

22 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 Sec. 4. RETROACTIVE APPLICABILITY. The section of this Act
25 enacting section 422.11S, subsection 4A, applies retroactively
26 to January 1, 2013, for tax years beginning on or after that
27 date.

28 EXPLANATION

29 This bill amends the school tuition organization tax
30 credit to allow a contribution made by a partnership, limited
31 liability company, S corporation, estate, or trust electing to
32 have the income taxed directly to the individual to qualify for
33 the tax credit. The amount claimed by the individual shall
34 be based upon the pro rata share of the individual's earnings
35 of the partnership, limited liability company, S corporation,

LSB 2259HV (1) 85

-1-

mm/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 625

1 estate, or trust. This provision of the bill applies
2 retroactively to January 1, 2013, for tax years beginning on
3 or after that date.

4 The bill also increases the total approved tax credits per
5 year to \$12 million from \$8.75 million for tax years beginning
6 on or after January 1, 2014.

7 The school tuition organization tax credit is an income
8 tax credit allowed for voluntary contributions to certain
9 private nonprofit school tuition organizations that award
10 tuition scholarships to eligible students to attend accredited
11 nonpublic elementary or secondary schools in this state.

12 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 626 - Introduced

HOUSE FILE 626
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 226)

A BILL FOR

1 An Act relating to the collection of sales and use tax in this
2 state, including retailers maintaining a place of business
3 in this state, agreements relating to the collection of
4 sales and use taxes, sales of tangible personal property and
5 services to the state, related reporting requirements, and
6 the transfer of certain sales and use tax revenues to the
7 taxpayers trust fund.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1498HV (2) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 626

1 Section 1. Section 423.1, subsection 48, Code 2013, is
2 amended to read as follows:

3 48. a. "Retailer maintaining a place of business in this
4 state" or any like term includes any retailer having or
5 maintaining within this state, directly or by a subsidiary,
6 an office, distribution house, sales house, warehouse, or
7 other place of business, or any representative operating
8 within this state under the authority of the retailer or its
9 subsidiary, irrespective of whether that place of business or
10 representative is located here permanently or temporarily, or
11 whether the retailer or subsidiary is admitted to do business
12 within this state pursuant to chapter 490.

13 b. (1) A retailer shall be presumed to be maintaining a
14 place of business in this state, as defined in paragraph "a", if
15 any person that has substantial nexus in this state, other than
16 a person acting in its capacity as a common carrier, does any
17 of the following:

18 (a) Sells a similar line of products as the retailer and
19 does so under the same or similar business name.

20 (b) Maintains an office, distribution facility, warehouse,
21 storage place, or similar place of business in this state to
22 facilitate the delivery of property or services sold by the
23 retailer to the retailer's customers.

24 (c) Uses trademarks, service marks, or trade names in this
25 state that are the same or substantially similar to those used
26 by the retailer.

27 (d) Delivers, installs, assembles, or performs maintenance
28 services for the retailer's customers.

29 (e) Facilitates the retailer's delivery of property to
30 customers in this state by allowing the retailer's customers to
31 take delivery of property sold by the retailer at an office,
32 distribution facility, warehouse, storage place, or similar
33 place of business maintained by the person in this state.

34 (f) Conducts any other activities in this state that
35 are significantly associated with the retailer's ability

LSB 1498HV (2) 85

-1-

mm/sc

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 626

1 to establish and maintain a market in this state for the
2 retailer's sales.

3 (2) The presumption established in this paragraph may be
4 rebutted by a showing of proof that the person's activities in
5 this state are not significantly associated with the retailer's
6 ability to establish or maintain a market in this state for the
7 retailer's sales.

8 Sec. 2. Section 423.2, subsection 11, paragraph b, Code
9 2013, is amended by adding the following new subparagraph:

10 NEW SUBPARAGRAPH. (6) Transfer to the taxpayers trust fund
11 created in section 8.57E that portion of the sales tax revenue
12 specified in section 423.36, subsection 9, that remains after
13 the other transfers required under this paragraph "b".

14 Sec. 3. NEW SECTION. 423.13A Administration —
15 effectiveness of agreements with retailers.

16 1. Notwithstanding any provision of this chapter to the
17 contrary, any ruling, agreement, or contract, whether written
18 or oral, express or implied, entered into after the effective
19 date of this Act between a retailer and a state agency that
20 provides that a retailer is not required to collect sales and
21 use tax in this state despite the presence in this state of
22 a warehouse, distribution center, or fulfillment center that
23 is owned and operated by the retailer or an affiliate of the
24 retailer shall be null and void unless such ruling, agreement,
25 or contract is approved, by resolution, by a majority vote of
26 each house of the general assembly.

27 2. For purposes of this section, "*state agency*" means
28 the executive branch, including any executive department,
29 commission, board, institution, division, bureau, office,
30 agency, or other entity of state government. "*State agency*"
31 does not mean the general assembly, or the judicial branch as
32 provided in section 602.1102.

33 Sec. 4. Section 423.36, Code 2013, is amended by adding the
34 following new subsections:

35 NEW SUBSECTION. 1A. a. Notwithstanding subsection 1,

LSB 1498HV (2) 85

-2-

mm/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 626

1 if any person will make taxable sales of tangible personal
2 property or furnish services to any state agency, that person
3 shall, prior to the sale, apply for and receive a permit
4 to collect sales or use tax pursuant to this section. A
5 state agency shall not purchase tangible personal property
6 or services from any person unless that person has a valid,
7 unexpired permit issued pursuant to this section and is in
8 compliance with all other requirements in this chapter imposed
9 upon retailers, including but not limited to the requirement to
10 collect and remit sales and use tax and file sales and use tax
11 returns.

12 *b.* For purposes of this subsection, "state agency" means
13 any executive, judicial, or legislative department, commission,
14 board, institution, division, bureau, office, agency, or other
15 entity of state government.

16 NEW SUBSECTION. 9. For all permits issued on or after the
17 effective date of this Act except permits issued pursuant to
18 subsection 8, the department shall determine whether or not the
19 applicant's requirement to obtain the permit arose exclusively
20 from an activity described in section 423.1, subsection 48,
21 paragraph "b". In those cases where the permit requirement
22 did arise exclusively from such activity, the department shall
23 transfer all sales or use tax revenues collected and remitted
24 by the permit holder that relate to the permit to the taxpayers
25 trust fund created in section 8.57E, as provided in section
26 423.2, subsection 11, paragraph "b", and section 423.43,
27 subsection 1, paragraph "b".

28 Sec. 5. Section 423.43, subsection 1, paragraph b, Code
29 2013, is amended to read as follows:

30 *b.* Subsequent to the deposit into the general fund of the
31 state ~~and after the transfer of such~~ department shall do the
32 following in the order prescribed:

33 (1) Transfer the revenues collected under chapter 423B, the
34 department shall transfer.

35 (2) Transfer one-sixth of such remaining revenues to the

LSB 1498HV (2) 85

mm/sc

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 626

1 secure an advanced vision for education fund created in section
2 423F.2. This ~~paragraph~~ subparagraph is repealed December 31,
3 2029.

4 (3) Transfer to the taxpayers trust fund created in section
5 8.57E that portion of the use tax revenue specified in section
6 423.36, subsection 9, that remains after the other transfers
7 required under this paragraph "b".

8 Sec. 6. SALES AND USE TAX REPORT.

9 1. Not later than sixteen months after the occurrence
10 of both the enactment of a federal law authorizing states to
11 impose a sales and use tax collection requirement on remote
12 sellers and the exercise of that authority by this state, the
13 department of revenue shall issue a report to the general
14 assembly containing data and information on the following:

15 a. The amount of sales and use tax collected in this state
16 from remote sellers for the twelve-month period beginning on
17 the date such collection requirement was first imposed in this
18 state.

19 b. An estimate of the projected sales and use tax revenue
20 that will be collected from remote sellers for the fiscal year
21 beginning July 1 following the date such collection requirement
22 was first imposed in this state, and for four fiscal years
23 thereafter.

24 c. An estimate of the sales and use tax rate that will be
25 necessary for this state to maintain for future fiscal years an
26 amount of sales and use tax revenue equal to the average sales
27 and use tax revenue of this state for the five fiscal years
28 prior to the fiscal year in which this state first imposed a
29 collection requirement on remote sellers.

30 d. Any other information deemed necessary by the department
31 of revenue.

32 2. For purposes of this section, "remote seller" means
33 a seller who would not have a sales or use tax collection
34 obligation in this state but for the authorization under
35 federal law for this state to require such seller to collect



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 626

1 sales or use tax. "Remote seller" does not include a seller
2 who voluntarily registered under the streamlined sales and use
3 tax agreement before the date of enactment of a federal law
4 authorizing states to impose a sales and use tax collection
5 obligation on remote sellers.

6 EXPLANATION

7 This bill relates to the collection of sales and use taxes in
8 this state, including retailers maintaining a place of business
9 in this state, agreements relating to the collection of sales
10 and use taxes, sales of tangible personal property and services
11 to state agencies, related reporting requirements, and the
12 transfer of certain sales and use tax revenues to the taxpayers
13 trust fund.

14 A retailer located in this state, or maintaining a place of
15 business in this state, must collect and remit sales and use
16 taxes to the department of revenue. Currently, as defined in
17 Code section 423.1, the term "retailer maintaining a place of
18 business in this state" includes certain places of business,
19 and representatives operating under the authority of the
20 retailer.

21 The bill provides that a retailer will be presumed to be
22 maintaining a place of business in this state if any person
23 that has substantial nexus in this state, other than a common
24 carrier, engages in any of six activities specified in the
25 bill. The presumption may be rebutted by a showing of proof
26 that the person's activities are not significantly associated
27 with the retailer's ability to establish or maintain a market
28 in this state for the retailer's sales.

29 The bill provides that for all sales and use tax permits
30 issued on or after the effective date of the bill, the
31 department of revenue shall determine whether or not the permit
32 requirement arose exclusively from one of the six activities
33 specified in the bill. If such permit requirement did arise
34 exclusively from one of the activities, the department of
35 revenue shall transfer all sales or use tax revenues collected



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 626

1 and remitted by the permit holder and that relate to the permit
2 to the taxpayers trust fund created in Code section 8.57E,
3 after various other transfers already required in the Code.

4 The bill provides that any ruling, agreement, or contract
5 entered into after the effective date of the bill between a
6 retailer and a state agency that provides that a retailer is
7 not required to collect sales and use tax in this state despite
8 the presence in this state of a warehouse, distribution center,
9 or fulfillment center owned and operated by the retailer or
10 an affiliate shall be null and void unless it is specifically
11 approved, by resolution, by a majority vote of each house of
12 the general assembly. For purposes of this provision of the
13 bill, "state agency" does not include the general assembly or
14 the judicial branch.

15 The bill provides that a person shall not make taxable sales
16 or furnish taxable services to a state agency unless that
17 person obtains a sales or use tax permit. Also, the state is
18 prohibited from purchasing taxable property or services from
19 any person unless that person has a valid, unexpired sales or
20 use tax permit and is in compliance with all other sales and
21 use tax laws imposed upon retailers. For purposes of this
22 provision of the bill, "state agency" includes the executive
23 branch, the general assembly, and the judicial branch.

24 The bill requires the department of revenue to file a report
25 with the general assembly not later than 16 months after the
26 occurrence of both the enactment of a federal law authorizing
27 the state to require remote sellers to collect sales and use
28 tax and the exercise of that authority by the state. The
29 report shall contain various data and information as specified
30 in the bill relating to the amount of sales and use tax
31 collected from remote sellers, estimates of future sales and
32 use tax collections from remote sellers, and an estimate of
33 the sales and use tax rate necessary to maintain for future
34 fiscal years the average amount of sales and use tax collected
35 before the state first imposed a collection requirement on



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

H.F. 626

1 remote sellers. "Remote seller" is defined as a seller that
2 would not have a sales or use tax collection requirement in
3 this state but for the ability of this state to require the
4 seller to collect sales or use tax under federal law, but does
5 not include any seller that voluntarily registered under the
6 streamlined sales and use tax agreement prior to the enactment
7 of such federal law.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 545

S-3111

1 Amend House File 545, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 11, after <organization.> by
4 inserting <A veteran seeking moneys for expenses
5 pursuant to this paragraph "m" shall not be subject to
6 an income limit.>

JEFF DANIELSON



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

Senate File 363

S-3112

1 Amend the amendment, S-3102, to Senate File 363, as
2 follows:
3 1. Page 1, by striking lines 1 through 30 and
4 inserting:
5 <Amend Senate File 363 as follows:
6 1. By striking everything after the enacting clause
7 and inserting:
8 <Section 1. LEGISLATIVE FINDINGS. The general
9 assembly finds that establishing a sound criminal
10 justice and public health policy toward individuals
11 living with a contagious or infectious disease is
12 consistent with an evidence-based approach to disease
13 control that focuses on prevention strategies that
14 include notification of current and previously exposed
15 partners, evidence-based behavioral risk-reduction
16 programming, promotion of voluntary disclosure to
17 sexual and needle-sharing partners, and suppression of
18 viral load through engagement in care and treatment
19 programs.
20 Sec. 2. NEW SECTION. 709D.1 Title.
21 This chapter shall be known and may be cited as the
22 "*Contagious or Infectious Disease Transmission Act*".
23 Sec. 3. NEW SECTION. 709D.2 Definitions.
24 As used in this chapter, unless the context
25 otherwise requires:
26 1. "*Contagious or infectious disease*" means
27 hepatitis in any form, meningococcal disease, AIDS or
28 HIV as defined in section 141A.1, or tuberculosis.
29 2. "*Exposes*" means engaging in conduct that poses
30 a substantial risk of transmission, but does not
31 include conduct posing a low or negligible risk of
32 transmission, consistent with guidance issued by the
33 centers for disease control and prevention of the
34 United States department of health and human services.
35 3. "*Practical means to prevent transmission*" means
36 substantial compliance with a treatment regimen
37 prescribed by a health care provider that measurably
38 limits the risk of transmission of the contagious
39 or infectious disease, substantial compliance with
40 behavioral recommendations of the infected person's
41 health care provider or public health officials to
42 measurably limit the risk of transmission of the
43 contagious or infectious disease, or other methods
44 generally accepted by the medical profession to
45 measurably limit the risk of transmission of the
46 contagious or infectious disease, such as use of
47 a medically indicated respiratory mask or use of a
48 prophylactic device.
49 Sec. 4. NEW SECTION. 709D.3 Criminal transmission
50 of a contagious or infectious disease.

S3102.1420 (3) 85

-1-

pf/nh

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

1 1. A person commits a class "C" felony when the
2 person knows the person is infected with a contagious
3 or infectious disease and exposes an uninfected person
4 to the contagious or infectious disease with the intent
5 that the uninfected person contract the contagious or
6 infectious disease, and the conduct results in the
7 uninfected person becoming infected with the contagious
8 or infectious disease. If a person commits a class "C"
9 felony under this subsection, and the person against
10 whom the class "C" felony is committed is pregnant
11 at the time of the exposure, the person exposing the
12 uninfected person to the contagious or infectious
13 disease commits an additional class "C" felony for each
14 unborn child constituting the pregnancy notwithstanding
15 the actual result of the exposure to each unborn child.

16 2. A person commits a class "D" felony when the
17 person knows the person is infected with a contagious
18 or infectious disease and exposes an uninfected person
19 to the contagious or infectious disease with the intent
20 that the uninfected person contract the contagious or
21 infectious disease, but the conduct does not result
22 in the uninfected person becoming infected with the
23 contagious or infectious disease. If a person commits
24 a class "D" felony under this subsection, and the
25 person against whom the class "D" felony is committed
26 is pregnant at the time of the exposure, the person
27 exposing the uninfected person to the contagious or
28 infectious disease commits an additional class "D"
29 felony for each unborn child constituting the pregnancy
30 notwithstanding the actual result of the exposure to
31 each unborn child.

32 3. A person commits an aggravated misdemeanor
33 when the person knows the person is infected with
34 a contagious or infectious disease and exposes an
35 uninfected person to the contagious or infectious
36 disease acting with a reckless disregard as to whether
37 the uninfected person contracts the contagious or
38 infectious disease, and the conduct results in the
39 uninfected person becoming infected with the contagious
40 or infectious disease. If a person commits an
41 aggravated misdemeanor under this subsection, and the
42 person against whom the aggravated misdemeanor is
43 committed is pregnant at the time of the exposure, the
44 person exposing the uninfected person to the contagious
45 or infectious disease commits an additional aggravated
46 misdemeanor for each unborn child constituting the
47 pregnancy notwithstanding the actual result of the
48 exposure to each unborn child.

49 4. A person commits a serious misdemeanor when the
50 person knows the person is infected with a contagious

S3102.1420 (3) 85

-2-

pf/nh

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

1 or infectious disease and exposes an uninfected person
2 to the contagious or infectious disease acting with a
3 reckless disregard as to whether the uninfected person
4 contracts the contagious or infectious disease, but
5 the conduct does not result in the uninfected person
6 becoming infected with the contagious or infectious
7 disease. If a person commits a serious misdemeanor
8 under this subsection, and the person against whom
9 the serious misdemeanor is committed is pregnant at
10 the time of the exposure, the person exposing the
11 uninfected person to the contagious or infectious
12 disease commits an additional serious misdemeanor
13 for each unborn child constituting the pregnancy
14 notwithstanding the actual result of the exposure to
15 each unborn child.

16 5. The act of becoming pregnant while infected
17 with a contagious or infectious disease, continuing
18 a pregnancy while infected with a contagious or
19 infectious disease, or declining treatment for a
20 contagious or infectious disease during pregnancy shall
21 not constitute a crime under this chapter.

22 6. Evidence that a person knows the person is
23 infected with a contagious or infectious disease and
24 has engaged in conduct that exposes others to the
25 contagious or infectious disease, regardless of the
26 frequency of the conduct, is insufficient on its own
27 to prove the intent to transmit the contagious or
28 infectious disease.

29 7. A person does not act with the intent required
30 pursuant to subsection 1 or 2, or with the reckless
31 disregard required pursuant to subsection 3 or
32 4, if the person takes practical means to prevent
33 transmission, or if the person informs the uninfected
34 person that the person has a contagious or infectious
35 disease and offers to take practical means to
36 prevent transmission but that offer is rejected by
37 the uninfected person subsequently exposed to the
38 infectious or contagious disease.

39 8. It is an affirmative defense to a charge under
40 this section if the person exposed to the contagious or
41 infectious disease knew that the infected person was
42 infected with the contagious or infectious disease at
43 the time of the exposure and consented to exposure with
44 that knowledge.

45 Sec. 5. Section 141A.3, subsection 2, Code 2013, is
46 amended by adding the following new paragraph:

47 NEW PARAGRAPH. *0e.* Subject to availability
48 of funding, develop and implement a comprehensive
49 prevention program for individuals with HIV that
50 includes engagement and retention in HIV care

S3102.1420 (3) 85

-3-

pf/nh

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

1 activities, risk reduction and behavioral prevention
2 programming, partner notification services, case
3 management and other supportive services, and
4 assistance with health insurance coverage or medication
5 costs for low-income individuals.

6 Sec. 6. Section 141A.9, subsection 2, paragraph i,
7 Code 2013, is amended to read as follows:

8 i. Pursuant to sections 915.42 and 915.43, to a
9 convicted or alleged sexual assault offender; the
10 physician or other health care provider who orders the
11 test of a convicted or alleged offender; the victim;
12 the parent, guardian, or custodian of the victim if
13 the victim is a minor; the physician of the victim if
14 requested by the victim; the victim counselor or person
15 requested by the victim to provide counseling regarding
16 the HIV-related test and results; the victim's spouse;
17 persons with whom the victim has engaged in vaginal,
18 anal, or oral intercourse subsequent to the sexual
19 assault; members of the victim's family within the
20 third degree of consanguinity; and the county attorney
21 who may use the results as evidence in the prosecution
22 of sexual assault under chapter 915, subchapter V, or
23 prosecution of the offense of criminal transmission
24 of HIV under chapter 709C filed the petition for
25 HIV-related testing under section 915.42. For the
26 purposes of this paragraph, "victim" means victim as
27 defined in section 915.40.

28 Sec. 7. Section 692A.101, subsection 1, paragraph
29 a, subparagraph (9), Code 2013, is amended by striking
30 the subparagraph.

31 Sec. 8. Section 692A.102, subsection 1, paragraph
32 c, subparagraph (23), Code 2013, is amended by striking
33 the subparagraph.

34 Sec. 9. Section 915.43, subsections 4 and 5, Code
35 2013, are amended to read as follows:

36 4. Results of a test performed under this
37 subchapter, except as provided in subsection 13,
38 shall be disclosed only to the physician or other
39 practitioner who orders the test of the convicted or
40 alleged offender; the convicted or alleged offender;
41 the victim; the victim counselor or person requested
42 by the victim to provide counseling regarding the
43 HIV-related test and results; the physician of
44 the victim if requested by the victim; the parent,
45 guardian, or custodian of the victim, if the victim is
46 a minor; and the county attorney who filed the petition
47 for HIV-related testing under this chapter, who may use
48 the results to file charges of criminal transmission of
49 HIV under chapter 709C. Results of a test performed
50 under this subchapter shall not be disclosed to any

S3102.1420 (3) 85

-4-

pf/nh

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

1 other person without the written informed consent of
2 the convicted or alleged offender. A person to whom
3 the results of a test have been disclosed under this
4 subchapter is subject to the confidentiality provisions
5 of section 141A.9, and shall not disclose the results
6 to another person except as authorized by section
7 141A.9, subsection 2, paragraph "i".
8 5. If testing is ordered under this subchapter,
9 the court shall also order periodic testing of the
10 convicted offender during the period of incarceration,
11 probation, or parole or of the alleged offender during
12 a period of six months following the initial test if
13 the physician or other practitioner who ordered the
14 initial test of the convicted or alleged offender
15 certifies that, based upon prevailing scientific
16 opinion regarding the maximum period during which the
17 results of an HIV-related test may be negative for a
18 person after being HIV-infected, additional testing is
19 necessary to determine whether the convicted or alleged
20 offender was HIV-infected at the time the sexual
21 assault or alleged sexual assault was perpetrated.
22 The results of the test conducted pursuant to this
23 subsection shall be released only to the physician or
24 other practitioner who orders the test of the convicted
25 or alleged offender, the convicted or alleged offender,
26 the victim counselor or person requested by the victim
27 to provide the counseling regarding the HIV-related
28 test and results who shall disclose the results to the
29 petitioner, the physician of the victim, if requested
30 by the victim, and the county attorney who may use
31 the results as evidence in the prosecution of the
32 sexual assault or in the prosecution of the offense of
33 criminal transmission of HIV under chapter 709C filed
34 the petition for HIV-related testing under section
35 915.42.
36 Sec. 10. REPEAL. Chapter 709C, Code 2013, is
37 repealed.>
38 2. Title page, line 1, by striking <relating to the
39 intentional transmission of> and inserting <creating
40 criminal offenses relating to>>

NANCY J. BOETTGER



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 556

S-3113

1 Amend House File 556, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 137, lines 23 and 24, by striking <556.17,
4 subsection 2, paragraph "b"; and 572.34, subsections 5
5 through 8;> and inserting <and 556.17, subsection 2,
6 paragraph "b";>

COMMITTEE ON JUDICIARY
ROBERT M. HOGG, CHAIRPERSON



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 472

S-3114

- 1 Amend House File 472, as passed by the House, as
2 follows:
3 1. Page 3, after line 15 by inserting:
4 <Sec. _____. Section 282.12, subsection 2, Code 2013,
5 is amended to read as follows:
6 2. For one-way sharing, the sending district
7 shall pay ~~no less than one-half~~ a percentage of the
8 district cost per pupil of the sending district that
9 is proportionate to the percentage of the pupil's
10 school day during which the pupil attends classes in
11 the receiving district minus any actual costs incurred
12 by the sending district including but not limited to
13 transportation and administration costs, if such costs
14 are specified in the agreement.
15 Sec. _____. APPLICABILITY. The section of this Act
16 amending section 282.12 applies to sharing agreements
17 entered into on or after July 1, 2013.>
18 2. Title page, line 3, by striking <agencies> and
19 inserting <agencies, modifying the funding requirements
20 for whole grade sharing agreements, and including
21 applicability provisions>
22 3. By renumbering as necessary.

TOD R. BOWMAN

HF472.1369 (2) 85

-1-

md/sc

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

Senate File 418

S-3115

- 1 Amend Senate File 418 as follows:
2 1. Page 1, line 3, after <3.> by inserting <a.>
3 2. Page 1, by striking line 8 and inserting
4 <abandoned as provided in section 459.201.>
5 3. Page 1, by striking line 9 and inserting:
6 <b. In calculating animal unit capacity for
7 purposes of an election to be considered a small>
8 4. Page 1, by striking line 13 and inserting <used
9 to do any of the following:
10 (1) House animals.
11 (2) Store manure.>
12 5. Page 1, by striking lines 29 through 31 and
13 inserting:
14 <a. The confinement feeding operation has a
15 capacity of five hundred or fewer animal units
16 which shall be calculated by determining all of the
17 following:
18 (1) The number of animal units housed at the
19 confinement feeding operation at any one time during
20 the period of election.
21 (2) The animal unit capacity of each confinement
22 feeding operation building that is used to store
23 manure during the period of the election. However,
24 this subparagraph does not apply if a confinement
25 feeding operation building stores manure pursuant
26 to a temporary approval issued by the department.
27 The department shall not issue a temporary approval
28 unless the manure is stored on an emergency basis
29 for a limited period. The department shall establish
30 terms and conditions for a temporary approval. The
31 department may issue one or more extensions to a
32 temporary approval if necessary.>
33 6. By renumbering, redesignating, and correcting
34 internal references as necessary.

DR. JOE M. SENG

SF418.1286 (1) 85

-1-

da/sc

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 215

S-3116

1 Amend the amendment, S-3106, to House File 215,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. By striking page 1, line 3, through page 39,
5 line 10, and inserting:
6 <____. By striking everything after the enacting
7 clause and inserting:
8 <Section 1. NEW SECTION. 256.27 Assessment of
9 departmental effectiveness.
10 1. *Five-year assessment.*
11 a. Using the fiscal year beginning July 1, 2012, as
12 a base year, the department shall determine the annual
13 progress made by the department by assessing increases
14 in the following levels:
15 (1) The number of grade four students proficient
16 in reading, mathematics, and science, with a goal of
17 ninety percent proficiency.
18 (2) The number of grade eight students proficient
19 in reading, mathematics, and science, with a goal of
20 eighty-five percent proficiency.
21 (3) The number of grade eleven students proficient
22 in the following:
23 (a) Reading and mathematics, with a goal of eighty
24 percent proficiency.
25 (b) Science, with a goal of eighty-five percent
26 proficiency.
27 (4) The performance of Iowa students on the
28 national assessment for educational progress, with a
29 goal of placing Iowa in the top five states in the
30 nation for grades four, eight, and eleven in reading,
31 mathematics, and science.
32 (5) The number of students entering Iowa
33 postsecondary schools majoring in physical and
34 biological sciences, mathematics, and engineering.
35 (6) Negotiating agreements with the institutions of
36 higher education governed by the state board of regents
37 for the adoption of alternative certification programs
38 for teachers.
39 (7) Developing an action plan to fill critical
40 need teaching positions, including but not limited to
41 positions teaching science and mathematics.
42 b. The department shall submit its findings and
43 recommendations in a report to the general assembly by
44 November 1, 2018.
45 2. If the report submitted pursuant to subsection
46 1, paragraph "b", establishes that the department
47 failed to meet the goals established in subsection
48 1, paragraph "a", a department of education
49 elimination commission is established to review all
50 programs, policies, duties, and other functions and

S3106.1427 (3) 85

-1-

kh/rj

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

1 responsibilities of the department of education which
2 are funded in whole or part with federal, state, or
3 local government revenues. The commission's duties
4 shall include the following:
5 a. Review of the state board's duties, policies,
6 and responsibilities and the programs and other
7 functions established in or administered by the
8 department.
9 b. Identification of programs, responsibilities,
10 or functions recommended for elimination or for
11 performance by school districts.
12 3. The commission shall consist of the governor and
13 the following members:
14 a. The director of the department of management or
15 the director's designee.
16 b. The executive director of Iowa's area education
17 agencies.
18 c. Seven members appointed by the governor as
19 follows:
20 (1) One member representing a company employing
21 more than five hundred people. The individual should
22 have management experience.
23 (2) One member representing a company employing
24 more than one hundred people but fewer than five
25 hundred people. The individual should have management
26 experience.
27 (3) One member representing a company employing
28 fewer than one hundred people. The individual should
29 have management experience.
30 (4) One member who is the chief executive officer
31 of a company with multiple stand-alone locations,
32 employing over fifty thousand people, and having annual
33 sales of more than six billion dollars.
34 (5) One member representing an accredited
35 postsecondary institution.
36 (6) One member representing school districts.
37 (7) One member from an organization representing
38 teachers in the state.
39 4. The governor shall serve as chairperson of
40 the commission. The director of the department of
41 management shall serve as chairperson in the absence
42 of the governor. The department of management shall
43 provide staffing assistance to the commission.
44 5. The commission shall submit its findings and
45 recommendations in a report to the governor and the
46 general assembly.>
47 ____. Title page, by striking lines 1 through 11 and
48 inserting <An Act providing for an assessment of the
49 department of education's effectiveness and for the
50 establishment of a department of education elimination

S3106.1427 (3) 85

-2-

kh/rj

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

1 commission.>>

BRAD ZAUN

MARK CHELGREN



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 381

S-3117

- 1 Amend House File 381, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 99D.7, subsection 5, paragraph
5 b, Code 2013, is amended to read as follows:
6 b. The commission shall, beginning January 1, 2012,
7 regulate the purse structure for all horse racing so
8 that seventy-six percent is designated for thoroughbred
9 racing, fifteen and one-quarter percent is designated
10 for quarter horse racing, and eight and ~~three-quarter~~
11 three-quarters percent is designated for standardbred
12 racing. The purse moneys designated for standardbred
13 racing may only be used to support standardbred harness
14 racing purses at the state fair, county fairs, or other
15 harness racing tracks approved by the commission, or
16 for the construction, maintenance, or repair of harness
17 racing tracks located in Iowa and at the fairgrounds
18 for such fairs or other harness racing tracks located
19 in Iowa and approved by the commission. The horse
20 racetrack in Polk county shall not provide funding to
21 support standardbred racing at such county fairs that
22 is not otherwise provided for in this paragraph.>
23 2. Title page, line 1, after <concerning> by
24 inserting <horse racing, including the use of purse
25 moneys for harness racing tracks and>
26 3. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
JEFF DANIELSON, CHAIRPERSON

HF381.1401 (2) 85

-1-

ec/nh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

House File 215

S-3118

- 1 Amend the amendment, S-3106, to House File 215,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 34, after line 23 by inserting:
5 <Sec. _____. Section 282.12, subsection 2, Code 2013,
6 is amended to read as follows:
7 2. For one-way sharing, the sending district
8 shall pay ~~no less than one-half~~ a percentage of the
9 district cost per pupil of the sending district that
10 is proportionate to the percentage of the pupil's
11 school day during which the pupil attends classes in
12 the receiving district minus any actual costs incurred
13 by the sending district including but not limited to
14 transportation and administration costs, if such costs
15 are specified in the agreement.>
16 2. Page 36, after line 45 by inserting:
17 <Sec. _____. APPLICABILITY. The section of this
18 division of this Act amending section 282.12 applies
19 to sharing agreements entered into on or after July 1,
20 2013.>
21 3. By renumbering as necessary.

TOD R. BOWMAN

S3106.1443 (2) 85

-1-

kh/rj

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

Senate File 435 - Introduced

SENATE FILE 435
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1245)

A BILL FOR

1 An Act relating to and making appropriations involving state
2 government entities involved with agriculture, natural
3 resources, and environmental protection.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1001SV (3) 85
da/jp



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 DIVISION I
2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
3 GENERAL APPROPRIATION FOR FY 2013-2014
4 Section 1. GENERAL FUND — DEPARTMENT.
5 1. There is appropriated from the general fund of the state
6 to the department of agriculture and land stewardship for the
7 fiscal year beginning July 1, 2013, and ending June 30, 2014,
8 the following amount, or so much thereof as is necessary, to be
9 used for the purposes designated:
10 For purposes of supporting the department, including its
11 divisions, for administration, regulation, and programs; for
12 salaries, support, maintenance, and miscellaneous purposes; and
13 for not more than the following full-time equivalent positions:
14 \$ 17,081,328
15 FTEs 372.00
16 2. Of the amount appropriated in subsection 1, the following
17 amount is transferred to Iowa state university of science and
18 technology, to be used for the university's midwest grape and
19 wine industry institute:
20 \$ 238,000
21 3. The department shall submit a report each quarter of the
22 fiscal year to the legislative services agency, the department
23 of management, the members of the joint appropriations
24 subcommittee on agriculture and natural resources, and the
25 chairpersons and ranking members of the senate and house
26 committees on appropriations. The report shall describe in
27 detail the expenditure of moneys appropriated in this section
28 to support the department's administration, regulation, and
29 programs.
30 DESIGNATED APPROPRIATIONS
31 MISCELLANEOUS FUNDS
32 Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS —
33 HORSE AND DOG RACING. There is appropriated from the moneys
34 available under section 99D.13 to the department of agriculture
35 and land stewardship for the fiscal year beginning July 1,

LSB 1001SV (3) 85

-1-

da/jp

1/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 2013, and ending June 30, 2014, the following amount, or so
2 much thereof as is necessary, to be used for the purposes
3 designated:

4 For purposes of supporting the department's administration
5 and enforcement of horse and dog racing law pursuant to section
6 99D.22, including for salaries, support, maintenance, and
7 miscellaneous purposes:

8 \$ 305,516

9 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR FUEL
10 INSPECTION.

11 1. There is appropriated from the renewable fuel
12 infrastructure fund created in section 159A.16 to the
13 department of agriculture and land stewardship for the fiscal
14 year beginning July 1, 2013, and ending June 30, 2014, the
15 following amount, or so much thereof as is necessary, to be
16 used for the purposes designated:

17 For purposes of the inspection of motor fuel, including
18 salaries, support, maintenance, and miscellaneous purposes:

19 \$ 500,000

20 2. The department shall establish and administer programs
21 for the auditing of motor fuel, including biofuel processing
22 and production plants, for screening and testing motor fuel,
23 including renewable fuel, and for the inspection of motor fuel
24 sold by dealers including retail dealers who sell and dispense
25 motor fuel from motor fuel pumps.

26 SPECIAL APPROPRIATIONS

27 GENERAL FUND

28 Sec. 4. DAIRY REGULATION. There is appropriated from the
29 general fund of the state to the department of agriculture
30 and land stewardship for the fiscal year beginning July 1,
31 2013, and ending June 30, 2014, the following amount, or so
32 much thereof as is necessary, to be used for the purposes
33 designated:

34 1. For purposes of performing functions pursuant to section
35 192.109, including conducting a survey of grade "A" milk and

LSB 1001SV (3) 85

-2-

da/jp

2/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 certifying the results to the secretary of agriculture:
2 \$ 189,196

3 2. Notwithstanding section 8.33, moneys appropriated in
4 this section that remain unencumbered or unobligated at the
5 close of the fiscal year shall not revert but shall remain
6 available to be used for the purposes designated until the
7 close of the succeeding fiscal year.

8 Sec. 5. LOCAL FOOD AND FARM PROGRAM.

9 1. There is appropriated from the general fund of the state
10 to the department of agriculture and land stewardship for the
11 fiscal year beginning July 1, 2013, and ending June 30, 2014,
12 the following amount, or so much thereof as is necessary, to be
13 used for the purposes designated:

14 For purposes of supporting the local food and farm program
15 pursuant to chapter 267A:

16 \$ 75,000

17 2. The department shall enter into a cost-sharing agreement
18 with Iowa state university to support the local food and farm
19 program coordinator position as part of the university's
20 cooperative extension service in agriculture and home economics
21 pursuant to chapter 267A.

22 3. Notwithstanding section 8.33, moneys appropriated in
23 this section that remain unencumbered or unobligated at the
24 close of the fiscal year shall not revert but shall remain
25 available to be used for the purposes designated until the
26 close of the succeeding fiscal year.

27 Sec. 6. AGRICULTURAL EDUCATION. There is appropriated from
28 the general fund of the state to the department of agriculture
29 and land stewardship for the fiscal year beginning July 1,
30 2013, and ending June 30, 2014, the following amount, or so
31 much thereof as is necessary, to be used for the purposes
32 designated:

33 1. For purposes of allocating moneys to an Iowa association
34 affiliated with a national organization which promotes
35 agricultural education providing for future farmers:

LSB 1001SV (3) 85

-3-

da/jp

3/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 \$ 25,000

2 2. Notwithstanding section 8.33, moneys appropriated in
3 this section that remain unencumbered or unobligated at the
4 close of the fiscal year shall not revert but shall remain
5 available to be used for the purposes designated until the
6 close of the succeeding fiscal year.

7 Sec. 7. FARMERS WITH DISABILITIES PROGRAM.

8 1. There is appropriated from the general fund of the state
9 to the department of agriculture and land stewardship for the
10 fiscal year beginning July 1, 2013, and ending June 30, 2014,
11 the following amount, or so much thereof as is necessary, to be
12 used for the purposes designated:

13 For purposes of supporting a program for farmers with
14 disabilities:

15 \$ 130,000

16 2. The moneys appropriated in subsection 1 shall be used for
17 the public purpose of providing a grant to a national nonprofit
18 organization with over 80 years of experience in assisting
19 children and adults with disabilities and special needs.

20 a. The moneys shall be used to support a nationally
21 recognized program that began in 1986 and has been replicated
22 in at least 30 other states, but which is not available through
23 any other entity in this state, and that provides assistance
24 to farmers with disabilities in all 99 counties to allow the
25 farmers to remain in their own homes and be gainfully engaged
26 in farming through provision of agricultural worksite and home
27 modification consultations, peer support services, services
28 to families, information and referral, and equipment loan
29 services.

30 b. Notwithstanding section 8.33, moneys appropriated in
31 this section that remain unencumbered or unobligated at the
32 close of the fiscal year shall not revert but shall remain
33 available for expenditure for the purposes designated until the
34 close of the succeeding fiscal year.

35 DIVISION II

LSB 1001SV (3) 85

-4-

da/jp

4/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 GENERAL FUND
2 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
3 SOIL AND WATER CONSERVATION AND WATER QUALITY
4 Sec. 8. SOIL AND WATER CONSERVATION — GENERAL. There
5 is appropriated from the general fund of the state to the
6 department of agriculture and land stewardship for the fiscal
7 year beginning July 1, 2013, and ending June 30, 2014, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purposes designated:
10 1. For use by the department in providing for soil and
11 water conservation administration, the conservation of soil and
12 water resources, or the support of soil and water conservation
13 district commissioners:
14 \$ 6,000,000
15 2. Not more than 5 percent of the moneys appropriated in
16 subsection 1 may be allocated for cost sharing to address
17 complaints filed under section 161A.47.
18 3. Of the moneys appropriated in subsection 1, 5 percent
19 shall be allocated for financial incentives to establish
20 practices to protect watersheds above publicly owned lakes of
21 the state from soil erosion and sediment as provided in section
22 161A.73.
23 4. Not more than 30 percent of a soil and water conservation
24 district's allocation of moneys as financial incentives may be
25 provided for the purpose of establishing management practices
26 to control soil erosion on land that is row cropped, including
27 but not limited to no-till planting, ridge-till planting,
28 contouring, and contour strip-cropping as provided in section
29 161A.73.
30 5. The state soil conservation committee established by
31 section 161A.4 may allocate moneys appropriated in subsection
32 1 to conduct research and demonstration projects to promote
33 conservation tillage and nonpoint source pollution control
34 practices.
35 6. The allocation of moneys as financial incentives as

LSB 1001SV (3) 85
da/jp

5/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 provided in section 161A.73 may be used in combination with
2 moneys allocated by the department of natural resources.

3 7. Not more than 15 percent of the moneys appropriated
4 in subsection 1 may be used for costs of administration and
5 implementation of soil and water conservation practices.

6 8. The moneys appropriated in this section shall not be
7 used by the soil conservation division of the department of
8 agriculture and land stewardship to provide administrative
9 support to the watershed improvement review board established
10 in section 466A.3.

11 Sec. 9. SOIL AND WATER CONSERVATION —

12 ADMINISTRATION. There is appropriated from the general fund of
13 the state to the department of agriculture and land stewardship
14 for the fiscal year beginning July 1, 2013, and ending June 30,
15 2014, the following amount, or so much thereof as is necessary,
16 to be used for the purposes designated:

17 For use by the department for costs of administration and
18 implementation of soil and water conservation practices:

19 \$ 2,550,000

20 Sec. 10. WATER QUALITY INITIATIVE — GENERAL.

21 1. There is appropriated from the general fund of the state
22 to the department of agriculture and land stewardship for the
23 fiscal year beginning July 1, 2013, and ending June 30, 2014,
24 the following amount, or so much thereof as is necessary, to be
25 used for the purposes designated:

26 For deposit in the water quality initiative fund created
27 in section 466B.46, as enacted by this Act, for purposes of
28 supporting the water quality initiative administered by the
29 soil conservation division as provided in section 466B.42, as
30 enacted by this Act, including salaries, support, maintenance,
31 miscellaneous purposes, and for not more than the following
32 full-time equivalent positions:

33 \$ 2,400,000

34 FTEs 1.00

35 2. The moneys appropriated in subsection 1 shall be used

LSB 1001SV (3) 85

-6-

da/jp

6/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 to support reducing nutrients in subwatersheds as designated
2 by the division that are part of high-priority watersheds
3 identified by the water resources coordinating council
4 established pursuant to section 466B.3. In supporting reducing
5 nutrients in subwatersheds, the division shall establish and
6 administer demonstration projects as follows:

7 a. The demonstration projects shall utilize water quality
8 practices as described in the latest revision of the document
9 entitled "Iowa Nutrient Reduction Strategy" initially presented
10 in November 2012 by the department of agriculture and land
11 stewardship, the department of natural resources, and Iowa
12 state university of science and technology.

13 b. The division shall implement demonstration projects as
14 provided in paragraph "a" by providing for participation by
15 persons who hold a legal interest in agricultural land used in
16 farming. To every extent practical, the division shall provide
17 for collaborative participation by such persons who hold a
18 legal interest in agricultural land located within the same
19 subwatershed.

20 c. The division shall implement a demonstration project on
21 a cost-share basis as determined by the division. However, the
22 state's share of the amount shall not exceed 50 percent of the
23 estimated cost of establishing the practice as determined by
24 the division or 50 percent of the actual cost of establishing
25 the practice, whichever is less.

26 d. The demonstration projects shall be used to educate other
27 persons about the feasibility and value of establishing similar
28 water quality practices. The division shall promote field day
29 events for purposes of allowing interested persons to establish
30 water quality practices on their agricultural land.

31 e. The division shall conduct water quality evaluations
32 within supported subwatersheds. Within a reasonable period
33 after accumulating information from such evaluations, the
34 division shall create an aggregated database of water quality
35 practices. Any information identifying a person holding a

LSB 1001SV (3) 85

-7-

da/jp

7/27

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013**

S.F. 435

1 legal interest in agricultural land or specific agricultural
2 land shall be a confidential record under section 22.7.

3 3. The moneys appropriated in subsection 1 shall be used
4 to support education and outreach in a manner that encourages
5 persons who hold a legal interest in agricultural land used for
6 farming to implement water quality practices, including the
7 establishment of such practices in watersheds generally, and
8 not limited to subwatersheds or high-priority watersheds.

9 4. The moneys appropriated in subsection 1 may be used
10 to contract with persons to coordinate the implementation of
11 efforts provided in this section. Not more than \$150,000 shall
12 be used to support the administration of this section by a
13 full-time equivalent position.

14 5. Notwithstanding any other provision in law to the
15 contrary, the department may use moneys appropriated in
16 subsection 1 in combination with other moneys appropriated
17 to the department from the environment first fund created in
18 section 8.57A for cost sharing to match the United States
19 department of agriculture, natural resources conservation
20 service, wetland reserve enhancement program.

21 Sec. 11. WATER QUALITY INITIATIVE — SPECIAL PROJECTS.

22 1. There is appropriated from the general fund of the state
23 to the department of agriculture and land stewardship for the
24 fiscal year beginning July 1, 2013, and ending June 30, 2014,
25 the following amount, or so much thereof as is necessary, to be
26 used for the purposes designated:

27 For deposit in the water quality initiative fund created
28 in section 466B.46, as enacted by this Act, for purposes of
29 supporting special projects associated with a water quality
30 initiative administered by the soil conservation division as
31 provided in section 466B.42 as enacted by this Act:

32 \$ 10,000,000

33 2. a. Seventy percent of the moneys shall be used to
34 support projects in subwatersheds as designated by the division
35 that are part of high-priority watersheds identified by the

LSB 1001SV (3) 85

da/jp

8/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 water resources coordinating council established pursuant to
2 section 466B.3.

3 b. Thirty percent of the moneys shall be used to support
4 projects in watersheds generally, including regional
5 watersheds, as designated by the division, and high-priority
6 watersheds identified by the water resources coordinating
7 council established pursuant to section 466B.3.

8 3. In supporting projects in subwatersheds and watersheds
9 as provided in subsection 2, the division shall do all of the
10 following:

11 a. Utilize water quality practices as described in the
12 latest revision of the document entitled "Iowa Nutrient
13 Reduction Strategy" initially presented in November 2012 by the
14 department of agriculture and land stewardship, the department
15 of natural resources, and Iowa state university of science and
16 technology.

17 b. Participate with persons who hold a legal interest in
18 agricultural land used in farming. To every extent practical,
19 the division shall provide for collaborative participation by
20 such persons who hold a legal interest in agricultural land
21 located within the same watershed.

22 c. Finance the establishment of water quality practices on
23 a cost-share basis as determined by the division. However, the
24 state's share of the amount shall not exceed 50 percent of the
25 estimated cost of establishing the water quality practice as
26 determined by the division or 50 percent of the actual cost of
27 establishing the water quality practice, whichever is less.

28 4. Notwithstanding any other provision in law to the
29 contrary, the department may use moneys appropriated in
30 subsection 1 in combination with other moneys appropriated
31 to the department from the environment first fund created in
32 section 8.57A for cost sharing to match the United States
33 department of agriculture, natural resources conservation
34 service, wetland reserve enhancement program.

35 Sec. 12. WATER QUALITY INITIATIVE APPROPRIATIONS — FEDERAL

LSB 1001SV (3) 85

-9-

da/jp

9/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 MONEYS. The department of agriculture and land stewardship,
2 and its soil conservation division, may use moneys appropriated
3 in this division of this Act to support the water quality
4 initiative, including its projects, as provided in this
5 division of this Act, in combination with other moneys provided
6 by the United States government.

7 Sec. 13. WATER QUALITY INITIATIVE — REPORT. The department
8 of agriculture and land stewardship shall prepare a preliminary
9 report and final report regarding its efforts to administer the
10 water quality initiative as provided in this division. Each
11 report shall include information regarding the establishment of
12 water quality practices, including demonstration projects, and
13 education and outreach efforts. The department shall deliver
14 the preliminary report to the governor and general assembly not
15 later than January 15, 2014, and shall deliver the final report
16 to the governor and general assembly not later than January 15,
17 2015. A report shall not identify an individual or specific
18 agricultural land.

19 Sec. 14. WATERSHED IMPROVEMENT FUND.

20 1. There is appropriated from the general fund of the state
21 to the department of agriculture and land stewardship for the
22 fiscal year beginning July 1, 2013, and ending June 30, 2014,
23 the following amount, or so much thereof as is necessary, to be
24 used for the purpose designated:

25 For deposit in the watershed improvement fund created in
26 section 466A.2:

27 \$ 4,000,000

28 2. Of the amount appropriated in subsection 1, 50 percent
29 shall be used for purposes of supporting special projects
30 associated with the water quality initiative administered by
31 the soil conservation division as provided in this division.

32 Sec. 15. NONREVERSION.

33 1. Notwithstanding section 8.33, moneys appropriated in
34 this division that remain unencumbered or unobligated at the
35 close of the fiscal year shall not revert but shall remain

LSB 1001SV (3) 85

-10-

da/jp

10/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 available for expenditure for the purposes designated until the
2 close of the fiscal year beginning July 1, 2014.

3 2. Subsection 1 does not apply to the appropriations made in
4 this division for any of the following purposes:

5 a. The appropriation made for deposit into the watershed
6 improvement fund pursuant to section 466A.2. Notwithstanding
7 section 8.33, the appropriation made in that section shall not
8 revert.

9 b. The appropriation made for use by the department of
10 agriculture and land stewardship in providing for soil and
11 water conservation administration, the conservation of soil and
12 water resources, or the support of soil and water conservation
13 district commissioners. Notwithstanding section 8.33, moneys
14 appropriated in that section that remain unencumbered or
15 unobligated moneys at the close of the fiscal year shall revert
16 at the close of the fiscal year beginning July 1, 2016.

17 c. The appropriations made in this division for deposit into
18 the water quality initiative fund created in section 466B.46,
19 as enacted by this Act.

20

DIVISION III

21

DEPARTMENT OF NATURAL RESOURCES

22

GENERAL APPROPRIATIONS FOR FY 2013-2014

23

Sec. 16. GENERAL FUND — DEPARTMENT.

24

25 1. There is appropriated from the general fund of the state
26 to the department of natural resources for the fiscal year
27 beginning July 1, 2013, and ending June 30, 2014, the following
28 amount, or so much thereof as is necessary, to be used for the
29 purposes designated:

30 For purposes of supporting the department, including its
31 divisions, for administration, regulation, and programs; for
32 salaries, support, maintenance, and miscellaneous purposes; and
33 for not more than the following full-time equivalent positions:

34 \$ 12,516,700
35 FTEs 1,145.95

2. The department shall submit a report each quarter of the

LSB 1001SV (3) 85

-11-

da/jp

11/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 fiscal year to the legislative services agency, the department
2 of management, the members of the joint appropriations
3 subcommittee on agriculture and natural resources, and the
4 chairpersons and ranking members of the senate and house
5 committees on appropriations. The report shall describe in
6 detail the expenditure of moneys appropriated in this section
7 to support the department's administration, regulation, and
8 programs.

9 Sec. 17. STATE FISH AND GAME PROTECTION FUND — REGULATION
10 AND ADVANCEMENT OF OUTDOOR ACTIVITIES.

11 1. There is appropriated from the state fish and game
12 protection fund to the department of natural resources for the
13 fiscal year beginning July 1, 2013, and ending June 30, 2014,
14 the following amount, or so much thereof as is necessary, to be
15 used for the purposes designated:

16 For purposes of supporting the regulation or advancement of
17 hunting, fishing, or trapping, or the protection, propagation,
18 restoration, management, or harvest of fish or wildlife,
19 including for administration, regulation, law enforcement, and
20 programs; and for salaries, support, maintenance, equipment,
21 and miscellaneous purposes:

22 \$ 41,078,234

23 2. Notwithstanding section 455A.10, the department may use
24 the unappropriated balance remaining in the state fish and game
25 protection fund to provide for the funding of health and life
26 insurance premium payments from unused sick leave balances of
27 conservation peace officers employed in a protection occupation
28 who retire, pursuant to section 97B.49B.

29 3. Notwithstanding section 455A.10, the department of
30 natural resources may use the unappropriated balance remaining
31 in the state fish and game protection fund for the fiscal
32 year beginning July 1, 2013, and ending June 30, 2014, as is
33 necessary to fund salary adjustments for departmental employees
34 for whom the general assembly has made an operating budget
35 appropriation for in subsection 1.

LSB 1001SV (3) 85

-12-

da/jp

12/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 Sec. 18. GROUNDWATER PROTECTION FUND — WATER
2 QUALITY. There is appropriated from the groundwater protection
3 fund created in section 455E.11 to the department of natural
4 resources for the fiscal year beginning July 1, 2013,
5 and ending June 30, 2014, from those moneys which are not
6 allocated pursuant to that section, the following amount, or
7 so much thereof as is necessary, to be used for the purposes
8 designated:

9 For purposes of supporting the department's protection
10 of the state's groundwater, including for administration,
11 regulation, and programs, and for salaries, support,
12 maintenance, equipment, and miscellaneous purposes:

13 \$ 3,455,832

14 DESIGNATED APPROPRIATIONS

15 MISCELLANEOUS FUNDS

16 Sec. 19. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
17 PROGRAM. There is appropriated from the special snowmobile
18 fund created under section 321G.7 to the department of natural
19 resources for the fiscal year beginning July 1, 2013, and
20 ending June 30, 2014, the following amount, or so much thereof
21 as is necessary, to be used for the purpose designated:

22 For purposes of administering and enforcing the state
23 snowmobile programs:

24 \$ 100,000

25 Sec. 20. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE
26 TANK SECTION EXPENSES. There is appropriated from the
27 unassigned revenue fund administered by the Iowa comprehensive
28 underground storage tank fund board to the department of
29 natural resources for the fiscal year beginning July 1, 2013,
30 and ending June 30, 2014, the following amount, or so much
31 thereof as is necessary, to be used for the purpose designated:

32 For purposes of paying for administration expenses of the
33 department's underground storage tank section:

34 \$ 200,000

35 SPECIAL APPROPRIATIONS

LSB 1001SV (3) 85

-13-

da/jp

13/27

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013**

S.F. 435

GENERAL FUND

Sec. 21. FLOODPLAIN MANAGEMENT AND DAM SAFETY.

3 1. There is appropriated from the general fund of the state
4 to the department of natural resources for the fiscal year
5 beginning July 1, 2013, and ending June 30, 2014, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purpose designated:

8 For purposes of supporting floodplain management and dam
9 safety:

10 \$ 2,000,000

11 2. Of the amount appropriated in subsection 1, up to
12 \$400,000 may be used by the department to acquire or install
13 stream gages for purposes of tracking and predicting flood
14 events and for compiling necessary data to improve flood
15 frequency analysis.

16 3. Notwithstanding section 8.33, moneys appropriated in
17 subsection 1 that remain unencumbered or unobligated at the
18 close of the fiscal year shall not revert but shall remain
19 available for expenditure for the purposes designated until the
20 close of the succeeding fiscal year.

Sec. 22. FORESTRY HEALTH MANAGEMENT.

22 1. There is appropriated from the general fund of the state
23 to the department of natural resources for the fiscal year
24 beginning July 1, 2013, and ending June 30, 2014, the following
25 amount, or so much thereof as is necessary, to be used for the
26 purposes designated:

27 For purposes of providing for forestry health management
28 programs:

29 \$ 200,000

2. Notwithstanding section 8.33, moneys appropriated for the fiscal year beginning July 1, 2013, in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for the purposes designated until the close of the succeeding fiscal year.

LSB 1001SV (3) 85

da/jp

14/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 Sec. 23. STATE PARK MAINTENANCE AND OPERATIONS.

2 1. There is appropriated from the general fund of the state
3 to the department of natural resources for the fiscal year
4 beginning July 1, 2013, and ending June 30, 2014, the following
5 amount, or so much thereof as is necessary, to be used for the
6 purposes designated:

7 For purposes of supporting the regular maintenance and
8 operations of state parks, including salaries, support,
9 maintenance, and miscellaneous purposes:

10 \$ 2,900,000

11 2. Notwithstanding section 8.33, moneys appropriated in
12 subsection 1 that remain unencumbered or unobligated at the
13 close of the fiscal year shall not revert but shall remain
14 available to be used for the purposes designated until the
15 close of the succeeding fiscal year.

16 DIVISION IV

17 IOWA STATE UNIVERSITY

18 SPECIAL GENERAL FUND APPROPRIATIONS FOR FY 2013-2014

19 Sec. 24. VETERINARY DIAGNOSTIC LABORATORY.

20 1. There is appropriated from the general fund of the state
21 to Iowa state university of science and technology for the
22 fiscal year beginning July 1, 2013, and ending June 30, 2014,
23 the following amount, or so much thereof as is necessary, to be
24 used for the purposes designated:

25 For purposes of supporting the college of veterinary
26 medicine for the operation of the veterinary diagnostic
27 laboratory and for not more than the following full-time
28 equivalent positions:

29 \$ 3,237,636

30 FTEs 50.00

31 2. a. Iowa state university of science and technology
32 shall not reduce the amount that it allocates to support the
33 college of veterinary medicine from any other source due to the
34 appropriation made in this section.

35 b. Paragraph "a" does not apply to a reduction made to

LSB 1001SV (3) 85

-15-

da/jp

15/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 support the college of veterinary medicine, if the same
2 percentage of reduction imposed on the college of veterinary
3 medicine is also imposed on all of Iowa state university's
4 budget units.

5 3. If by June 30, 2014, Iowa state university of science and
6 technology fails to allocate the moneys appropriated in this
7 section to the college of veterinary medicine in accordance
8 with this section, the moneys appropriated in this section for
9 that fiscal year shall revert to the general fund of the state.

10 Sec. 25. VETERINARY DIAGNOSTIC LABORATORY — FUTURE FISCAL
11 YEAR. This section applies if appropriations made in this Act
12 and all other Acts enacted by the Eighty-fifth General Assembly
13 during the 2013 regular session and all extraordinary sessions,
14 for the fiscal year beginning July 1, 2013, and ending June
15 30, 2014, for purposes of supporting the operation of the
16 veterinary diagnostic laboratory associated with the college
17 of veterinary medicine at Iowa state university, total less
18 than \$4,000,000. It is the intent of the general assembly
19 that the amount of any deficit will be appropriated by the
20 general assembly during its 2014 regular session for purposes
21 of supporting the operation of the veterinary diagnostic
22 laboratory for the fiscal year beginning July 1, 2014, and
23 ending June 30, 2015.

24 DIVISION V

25 ENVIRONMENT FIRST FUND

26 GENERAL APPROPRIATIONS FOR FY 2013-2014

27 Sec. 26. DEPARTMENT OF AGRICULTURE AND LAND
28 STEWARDSHIP. There is appropriated from the environment first
29 fund created in section 8.57A to the department of agriculture
30 and land stewardship for the fiscal year beginning July 1,
31 2013, and ending June 30, 2014, the following amounts, or so
32 much thereof as is necessary, to be used for the purposes
33 designated:

34 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

35 a. For the conservation reserve enhancement program to

LSB 1001SV (3) 85

da/jp

16/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 restore and construct wetlands for the purposes of intercepting
2 tile line runoff, reducing nutrient loss, improving water
3 quality, and enhancing agricultural production practices:

4 \$ 1,000,000

5 b. Not more than 10 percent of the moneys appropriated
6 in paragraph "a" may be used for costs of administration and
7 implementation of soil and water conservation practices.

8 c. Notwithstanding any other provision in law, the
9 department may provide state resources from this appropriation,
10 in combination with other appropriate environment first
11 fund appropriations, for cost sharing to match United States
12 department of agriculture, natural resources conservation
13 service, wetlands reserve enhancement program (WREP) funding
14 available to Iowa.

15 2. WATERSHED PROTECTION

16 a. For continuation of a program that provides
17 multiobjective resource protections for flood control, water
18 quality, erosion control, and natural resource conservation:

19 \$ 1,000,000

20 b. Not more than 10 percent of the moneys appropriated
21 in paragraph "a" may be used for costs of administration and
22 implementation of soil and water conservation practices.

23 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

24 a. For continuation of a statewide voluntary farm
25 management demonstration program to demonstrate the
26 effectiveness and adaptability of emerging practices in
27 agronomy that protect water resources and provide other
28 environmental benefits:

29 \$ 625,000

30 b. Not more than 10 percent of the moneys appropriated
31 in paragraph "a" may be used for costs of administration and
32 implementation of soil and water conservation practices.

33 c. Of the amount appropriated in paragraph "a", \$400,000
34 shall be allocated to an organization representing soybean
35 growers to provide for an agriculture and environment

LSB 1001SV (3) 85

-17-

da/jp

17/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 performance program in order to carry out the purposes of this
2 subsection as specified in paragraph "a".

3 4. CONSERVATION RESERVE PROGRAM (CRP)

4 a. To encourage and assist farmers in enrolling in and the
5 implementation of the federal conservation reserve program and
6 to work with them to enhance their revegetation efforts to
7 improve water quality and habitat:

8 \$ 1,000,000

9 b. Not more than 10 percent of the moneys appropriated
10 in paragraph "a" may be used for costs of administration and
11 implementation of soil and water conservation practices.

12 5. SOIL AND WATER CONSERVATION

13 a. For use by the department in providing for soil and
14 water conservation administration, the conservation of soil and
15 water resources, or the support of soil and water conservation
16 district commissioners:

17 \$ 6,650,000

18 b. Not more than 5 percent of the moneys appropriated in
19 paragraph "a" may be allocated for cost sharing to address
20 complaints filed under section 161A.47.

21 c. Of the moneys appropriated in paragraph "a", 5 percent
22 shall be allocated for financial incentives to establish
23 practices to protect watersheds above publicly owned lakes of
24 the state from soil erosion and sediment as provided in section
25 161A.73.

26 d. Not more than 30 percent of a soil and water conservation
27 district's allocation of moneys as financial incentives may be
28 provided for the purpose of establishing management practices
29 to control soil erosion on land that is row cropped, including
30 but not limited to no-till planting, ridge-till planting,
31 contouring, and contour strip-cropping as provided in section
32 161A.73.

33 e. The state soil conservation committee established by
34 section 161A.4 may allocate moneys appropriated in paragraph
35 "a" to conduct research and demonstration projects to promote

LSB 1001SV (3) 85

-18-

da/jp

18/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 conservation tillage and nonpoint source pollution control
2 practices.

3 f. The allocation of moneys as financial incentives as
4 provided in section 161A.73 may be used in combination with
5 moneys allocated by the department of natural resources.

6 g. Not more than 15 percent of the moneys appropriated
7 in paragraph "a" may be used for costs of administration and
8 implementation of soil and water conservation practices.

9 h. In lieu of moneys appropriated in section 466A.5, not
10 more than \$50,000 of the moneys appropriated in paragraph
11 "a" shall be used by the soil conservation division of the
12 department of agriculture and land stewardship to provide
13 administrative support to the watershed improvement review
14 board established in section 466A.3.

15 6. AGRICULTURAL DRAINAGE WELL WATER QUALITY ASSISTANCE FUND

16 For deposit in the agricultural drainage well water quality
17 assistance fund created in section 460.303 to be used for
18 purposes of supporting the agricultural drainage well water
19 quality assistance program as provided in section 460.304:
20 \$ 550,000

21 7. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

22 a. For deposit in the loess hills development and
23 conservation fund created in section 161D.2:

24 \$ 475,000

25 b. (1) Of the amount appropriated in paragraph "a",
26 \$356,250 shall be allocated to the fund's hungry canyons
27 account.

28 (2) Not more than 10 percent of the moneys allocated to the
29 hungry canyons account as provided in subparagraph (1) may be
30 used for administrative costs.

31 c. (1) Of the amount appropriated in paragraph "a",
32 \$118,750 shall be allocated to the fund's loess hills alliance
33 account.

34 (2) Not more than 10 percent of the moneys allocated to the
35 loess hills alliance account as provided in subparagraph (1)

LSB 1001SV (3) 85

-19-

da/jp

19/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 may be used for administrative costs.

2 Sec. 27. DEPARTMENT OF NATURAL RESOURCES. There is
3 appropriated from the environment first fund created in section
4 8.57A to the department of natural resources for the fiscal
5 year beginning July 1, 2013, and ending June 30, 2014, the
6 following amounts, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 1. KEEPERS OF THE LAND

9 For statewide coordination of volunteer efforts under the
10 water quality and keepers of the land programs:

11 \$ 100,000

12 2. STATE PARKS MAINTENANCE AND OPERATIONS

13 For regular maintenance of state parks and staff time
14 associated with these activities:

15 \$ 3,710,000

16 3. GEOGRAPHIC INFORMATION SYSTEM (GIS)

17 To provide local watershed managers with geographic
18 information system data for their use in developing,
19 monitoring, and displaying results of their watershed work:

20 \$ 195,000

21 4. WATER QUALITY MONITORING

22 For continuing the establishment and operation of water
23 quality monitoring stations:

24 \$ 2,955,000

25 5. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

26 For deposit in the public water supply system account of the
27 water quality protection fund created in section 455B.183A:

28 \$ 500,000

29 6. REGULATION OF ANIMAL FEEDING OPERATIONS

30 For the regulation of animal feeding operations, including
31 as provided for in chapters 459 through 459B:

32 \$ 1,920,000

33 7. AMBIENT AIR QUALITY

34 For the abatement, control, and prevention of ambient
35 air pollution in this state, including measures as necessary

LSB 1001SV (3) 85

-20-

da/jp

20/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 to assure attainment and maintenance of ambient air quality
2 standards from particulate matter:
3 \$ 425,000

4 8. WATER QUANTITY REGULATION

5 For regulating water quantity from surface and subsurface
6 sources by providing for the allocation and use of water
7 resources, the protection and management of water resources,
8 and the preclusion of conflicts among users of water resources,
9 including as provided in chapter 455B, division III, part 4:
10 \$ 495,000

11 9. GEOLOGICAL AND WATER SURVEY

12 For continuing the operations of the department's geological
13 and water survey including but not limited to providing
14 analysis, data collection, investigative programs, and
15 information for water supply development and protection:
16 \$ 200,000

17 10. KEEP IOWA BEAUTIFUL INITIATIVE

18 For purposes of supporting a keep Iowa beautiful initiative
19 in order to assist communities in developing and implementing
20 beautification and community development plans:
21 \$ 200,000

22 Sec. 28. REVERSION. Notwithstanding section 8.33,
23 moneys appropriated for the fiscal year beginning July 1,
24 2013, in this division of this Act that remain unencumbered
25 or unobligated at the close of the fiscal year shall not
26 revert but shall remain available to be used for the purposes
27 designated until the close of the succeeding fiscal year or
28 until the project for which the appropriation was made is
29 completed, whichever is earlier.

30 DIVISION VI

31 ENVIRONMENT FIRST FUND

32 SPECIAL APPROPRIATION FOR FY 2013-2014

33 Sec. 29. REAP — IN LIEU OF GENERAL FUND APPROPRIATION.
34 Notwithstanding the amount of the standing appropriation from
35 the general fund of the state to the Iowa resources enhancement

LSB 1001SV (3) 85

-21-

da/jp

21/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 and protection fund as provided in section 455A.18, there is
2 appropriated from the environment first fund created in section
3 8.57A to the Iowa resources enhancement and protection fund,
4 in lieu of the appropriation made in section 455A.18, for the
5 fiscal year beginning July 1, 2013, and ending June 30, 2014,
6 the following amount, to be allocated as provided in section
7 455A.19:

8 \$ 20,000,000

9

DIVISION VII

10

RELATED STATUTORY CHANGES

11 Sec. 30. 2011 Iowa Acts, chapter 128, section 19, subsection
12 1, as amended by 2012 Iowa Acts, chapter 1135, section 15, is
13 amended to read as follows:

14 SEC. 19. USE OF MONEYS — RADIOS.

15 1. Notwithstanding 2010 Iowa Acts, chapter 1191, section 7,
16 the department of natural resources may use the unappropriated
17 balance remaining in the state fish and game protection fund
18 for the fiscal year beginning July 1, 2010, and ending June
19 30, 2011, to purchase mobile radios to meet federal and state
20 requirements for homeland security and public safety. This
21 section applies to those moneys in the fund that are not
22 otherwise used, obligated, or encumbered for payment of health
23 and life insurance premium payments for conservation peace
24 officer retirements for that fiscal year. The department may
25 use such moneys until June 30, ~~2013~~ 2014.

26 Sec. 31. Section 460.303, subsection 3, Code 2013, is
27 amended to read as follows:

28 3. The Moneys in the fund shall be used are appropriated to
29 support an agricultural drainage well water quality assistance
30 program as provided in section 460.304. Moneys shall be used
31 to provide financial incentives under the program, and to
32 defray expenses by the division in administering the program.
33 However, not more than one percent of the money in the fund is
34 available to defray administrative expenses. The division may
35 adopt rules pursuant to chapter 17A to administer this section.

LSB 1001SV (3) 85

-22-

da/jp

22/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 Sec. 32. Section 466B.2, unnumbered paragraph 1, Code 2013,
2 is amended to read as follows:

3 For the purposes of this ~~chapter~~ subchapter, unless the
4 context otherwise requires:

5 Sec. 33. Section 466B.21, Code 2013, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 4. "*Watershed*" means the same as defined
8 in section 466B.1.

9 Sec. 34. NEW SECTION. **466B.41 Definitions.**

10 As used in this subchapter, unless the context otherwise
11 requires:

12 1. "*Division*" means the division of soil conservation
13 within the department of agriculture and land stewardship as
14 established in section 161A.4.

15 2. "*Fund*" means the water quality initiative fund created
16 in section 466B.46.

17 3. "*Nutrient*" includes nitrogen and phosphorus.

18 4. "*Regional watershed*", "*subwatershed*", and "*watershed*" mean
19 the same as defined in section 466B.1.

20 Sec. 35. NEW SECTION. **466B.42 Water quality initiative.**

21 The division shall establish a water quality initiative
22 in order to assess and reduce nutrients in this state's
23 watersheds, including subwatersheds, and regional watersheds.
24 The division shall establish and administer projects to
25 reduce nutrients in surface waters from nonpoint sources in
26 a scientific, reasonable, and cost-effective manner. The
27 division shall utilize a pragmatic, strategic, and coordinated
28 approach with the goal of accomplishing reductions over time.

29 Sec. 36. NEW SECTION. **466B.46 Water quality initiative**
30 **fund.**

31 1. A water quality initiative fund is created in the state
32 treasury under the management and control of the division.

33 2. The fund shall include moneys appropriated by the general
34 assembly. The fund may include other moneys available to and
35 obtained or accepted by the division, including moneys from

LSB 1001SV (3) 85

-23-

da/jp

23/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 public or private sources.

2 3. Moneys in the fund are appropriated to the division and
3 shall be used exclusively to carry out the provisions of this
4 subchapter as determined by the division, and shall not require
5 further special authorization by the general assembly.

6 4. a. Notwithstanding section 12C.7, interest or earnings
7 on moneys in the fund shall be credited to the fund.

8 b. Notwithstanding section 8.33, moneys appropriated or
9 otherwise credited to the fund for a fiscal year shall not
10 revert to the fund from which appropriated at the close of the
11 fiscal year for which the appropriation was made but shall
12 remain available for expenditure for the purposes designated
13 until the close of the fiscal year that begins two years
14 from the beginning date of the fiscal year for which the
15 appropriation was made.

16 Sec. 37. CODE EDITOR. The Code editor shall codify sections
17 466B.41 through 466B.46, as enacted by this division of this
18 Act, as a new subchapter.

19 EXPLANATION

20 GENERAL. This bill relates to agriculture and natural
21 resources by making appropriations for the 2013-2014 fiscal
22 year to support related entities, including the department of
23 agriculture and land stewardship (DALS), the department of
24 natural resources (DNR), and Iowa state university (ISU).

25 The bill primarily appropriates moneys to DALS and DNR.
26 The appropriations are made to support those departments for
27 administration, regulation, and support of programs. The bill
28 requires the departments to submit quarterly reports to the
29 general assembly and department of management regarding the
30 expenditure of appropriated moneys. The bill also provides
31 moneys to support specific programs or projects administered by
32 those departments. The bill appropriates moneys from a number
33 of sources, including the general fund of the state, the state
34 fish and game protection fund, the groundwater protection fund,
35 and the environment first fund. The bill is organized into

LSB 1001SV (3) 85

-24-

da/jp

24/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 divisions.

2 DALS — GENERAL FUND APPROPRIATION. For DALS, moneys are
3 appropriated from the general fund in order to support its
4 administrative divisions, including consumer protection and
5 industry services, soil conservation, and food safety and
6 animal health. Moneys are transferred to Iowa state university
7 to support its midwest grape and wine institute.

8 DALS — MISCELLANEOUS FUNDS APPROPRIATIONS. The bill
9 appropriates moneys from a number of sources to support DALS
10 in order to support designated purposes, including moneys
11 derived from unclaimed winnings from horse and dog races, for
12 administration and enforcement of racing regulations (Code
13 section 99D.22); and moneys deposited into the renewable fuel
14 infrastructure fund, for purposes of motor fuel inspection and
15 auditing biofuel processing and production (Code chapter 214A).
16 The department is required to transfer moneys to ISU to support
17 the university's midwest grape and wine industry institute.

18 DALS — SPECIAL GENERAL FUND APPROPRIATIONS. The bill also
19 makes special appropriations from the general fund to DALS in
20 order to support specific purposes including milk inspection
21 (Code section 192.109), the local food and farm program (Code
22 chapter 267A), an agricultural education organization, and
23 assistance to farmers with disabilities.

24 DALS — GENERAL FUND SOIL AND WATER CONSERVATION AND WATER
25 QUALITY. The bill appropriates moneys from the general
26 fund of the state to support the conservation of soil and
27 water resources, and soil and water conservation district
28 commissioners. The bill also appropriates moneys to the
29 department in order to support a water quality initiative
30 created by the bill, including to support a number of projects.
31 The moneys appropriated to support the water quality initiative
32 are deposited into a new water quality initiative fund created
33 by the bill. It also appropriates moneys for deposit into the
34 watershed improvement fund.

35 DNR — GENERAL FUND AND OTHER MAJOR FUNDS APPROPRIATIONS.

LSB 1001SV (3) 85

-25-

da/jp

25/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 The bill makes appropriations from a number of funds to DNR in
2 order to support its administrative divisions involving natural
3 resources and environmental protection from the general fund
4 of the state, the state fish and game protection fund, and the
5 groundwater protection fund.

6 DNR — DESIGNATED MISCELLANEOUS FUNDS APPROPRIATIONS. The
7 bill appropriates moneys to DNR from a number of sources to
8 support designated purposes, including moneys deposited in the
9 special snowmobile fund (Code section 321G.7) to provide for
10 administering and enforcing the state snowmobile programs; and
11 moneys deposited in the unassigned revenue fund for purposes
12 of paying for administration of the department's underground
13 storage tank section.

14 DNR — SPECIAL GENERAL FUND APPROPRIATIONS. The bill also
15 makes special appropriations from the general fund to DNR
16 in order to support specific purposes including floodplain
17 management and dam safety, forestry health management programs,
18 and state park maintenance and operations.

19 ISU — SPECIAL GENERAL FUND APPROPRIATIONS. The bill
20 appropriates moneys from the general fund to ISU to support the
21 operation of its veterinary diagnostic laboratory.

22 DALs AND DNR — GENERAL ENVIRONMENT FIRST FUND
23 APPROPRIATIONS. The bill appropriates moneys from the
24 environment first fund (Code section 8.57A) to support a
25 number of programs administered by DALs and DNR. For DALs,
26 the moneys are appropriated to support programs involving soil
27 conservation, watershed protection and nutrient management,
28 agricultural drainage well closure and the loess hills
29 development and conservation fund; and for DNR, moneys are
30 appropriated to support programs involving water quality,
31 state parks, public water supplies, air quality, water supply
32 information, and a keep Iowa beautiful initiative.

33 IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND — SPECIAL
34 ENVIRONMENT FIRST FUND APPROPRIATION. The bill also
35 appropriates \$20 million from the environment first fund to

LSB 1001SV (3) 85

-26-

da/jp

26/27



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 435

1 the Iowa resources enhancement and protection fund in lieu of
2 the \$20 million appropriated by Code section 455A.18 from the
3 general fund of the state.

4 RELATED STATUTORY CHANGES. The bill extends the period when
5 the DNR may use moneys authorized in 2010 to purchase mobile
6 radios. The department may use such moneys until June 30,
7 2014. The bill amends a provision creating the agricultural
8 drainage well water quality assistance fund in Code section
9 460.303 to expressly provide its moneys are appropriated to
10 support the water quality assistance program. The current
11 provision does not use the term "appropriate". The bill
12 codifies the water quality initiative in Code chapter 466B, and
13 requires the division of soil conservation to assess and reduce
14 nutrients in this state's waters, including the implementation
15 of efforts to reduce nutrients in surface waters from nonpoint
16 sources in a scientific, reasonable, and cost-effective
17 manner. The bill also establishes the associated water quality
18 initiative fund. The new provisions are to be part of a new
19 Code subchapter.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

Senate File 436 - Introduced

SENATE FILE 436
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1240)

A BILL FOR

1 An Act relating to the historic preservation and cultural and
2 entertainment district tax credit by modifying the total
3 amount of tax credits that may be issued, the definition of
4 substantial rehabilitation costs, and the qualifications
5 for certain projects, and including effective date and
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2374SV (4) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 436

1 Section 1. Section 404A.1, subsection 2, paragraph e, Code
2 2013, is amended to read as follows:

3 e. "*Substantial rehabilitation*" means qualified
4 rehabilitation costs that meet or exceed the following:

5 (1) In the case of commercial property, costs totaling at
6 least fifty thousand dollars or fifty percent of the assessed
7 value of the property, excluding the land, prior to the
8 rehabilitation, whichever is less.

9 (2) In the case of ~~residential property or barns~~ other
10 than commercial property, costs totaling at least twenty-five
11 thousand dollars or twenty-five percent of the assessed value,
12 excluding the land, prior to rehabilitation, whichever is less.

13 Sec. 2. Section 404A.3, subsection 3, paragraph b, Code
14 2013, is amended to read as follows:

15 b. The eligible property shall be placed in service
16 within either sixty months of the date on which the project
17 application was approved under this section, or seventy-two
18 months of the date on which the project application was
19 approved under this section if more than fifty percent of the
20 qualified rehabilitation costs are incurred within sixty months
21 of the date on which the project application was approved under
22 this section.

23 Sec. 3. Section 404A.4, subsection 2, paragraph d, Code
24 2013, is amended to read as follows:

25 d. For the fiscal year beginning July 1, 2012, ~~and for each~~
26 ~~fiscal year thereafter~~, the office shall reserve not more than
27 forty-five million dollars worth of tax credits for any one
28 taxable year.

29 Sec. 4. Section 404A.4, subsection 2, Code 2013, is amended
30 by adding the following new paragraphs:

31 NEW PARAGRAPH. e. For a fiscal year beginning on or after
32 July 1, 2013, but before July 1, 2016, the office shall reserve
33 not more than sixty million dollars worth of tax credits for
34 any one taxable year.

35 NEW PARAGRAPH. f. For the fiscal year beginning July 1,

LSB 2374SV (4) 85

-1-

mm/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 436

1 2016, and for each fiscal year thereafter, the office shall
2 reserve not more than fifty million dollars worth of tax
3 credits for any one taxable year.

4 Sec. 5. Section 404A.4, subsection 4, paragraph a, Code
5 2013, is amended to read as follows:

6 a. The total amount of tax credits that may be approved for
7 a fiscal year prior to the fiscal year beginning July 1, 2012,
8 under this chapter shall not exceed fifty million dollars.

9 The total amount of tax credits that may be approved for a
10 the fiscal year beginning on ~~or after~~ July 1, 2012, shall not
11 exceed forty-five million dollars. The total amount of tax
12 credits that may be approved for a fiscal year beginning on or
13 after July 1, 2013, but before July 1, 2016, shall not exceed
14 sixty million dollars. The total amount of tax credits that
15 may be approved for a fiscal year beginning on or after July 1,
16 2016, shall not exceed fifty million dollars.

17 Sec. 6. Section 404A.4, subsection 4, paragraph b,
18 subparagraph (1), Code 2013, is amended to read as follows:

19 (1) Ten percent of the dollar amount of tax credits shall
20 be allocated for purposes of new projects with final qualified
21 rehabilitation costs of ~~five~~ seven hundred fifty thousand
22 dollars or less.

23 Sec. 7. EFFECTIVE UPON ENACTMENT. The following provision
24 or provisions of this Act, being deemed of immediate
25 importance, take effect upon enactment:

26 1. The section of this Act amending section 404A.3.

27 Sec. 8. APPLICABILITY. The following provision or
28 provisions of this Act apply to eligible property to be placed
29 in service on or after the effective date of this Act:

30 1. The section of this Act amending section 404A.3.

31 EXPLANATION

32 This bill relates to the historic preservation and cultural
33 and entertainment district tax credit by modifying the
34 definition of substantial rehabilitation, the amount of tax
35 credits that may be issued, and the qualifications for certain

LSB 2374SV (4) 85

-2-

mm/sc

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 436

1 projects.

2 The bill amends the definition of "substantial
3 rehabilitation" for purposes of the credit. Under current
4 law, a certain threshold amount of qualified rehabilitation
5 costs are necessary in order to meet the definition of
6 substantial rehabilitation and qualify for the tax credit. The
7 threshold amount is different depending on whether the eligible
8 property is classified as commercial property or classified as
9 residential property or barns. The bill amends the residential
10 property or barns classification to include all property other
11 than commercial property. The bill also amends the threshold
12 amount of qualified rehabilitation costs in the commercial
13 property category to be the lesser of \$50,000 or 50 percent of
14 the assessed value of the property, excluding the land.

15 The bill extends from 60 to 72 months the date by which
16 eligible property is required to be placed in service after
17 approval of a project application provided that more than 50
18 percent of the qualified rehabilitation costs are incurred
19 within the first 60 months after approval of the project
20 application. This provision takes effect upon enactment and
21 applies to eligible property to be placed in service on or
22 after that date.

23 The bill increases the amount of tax credits that may be
24 approved and reserved. Under current law, not more than \$45
25 million in tax credits may be approved for a fiscal year
26 and reserved for any one taxable year. The bill increases
27 this amount to \$60 million for fiscal year 2013-2014, fiscal
28 year 2014-2015, and fiscal year 2015-2016. For fiscal year
29 2016-2017, and for each fiscal year thereafter, the amount is
30 \$50 million.

31 The bill amends the qualifications for certain projects.
32 Under current law, 10 percent of the total amount of tax
33 credits are required to be allocated to projects with qualified
34 rehabilitation costs of \$500,000 or less. The bill increases
35 to \$750,000 or less the amount of qualified rehabilitation



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 436

1 costs needed for a project to qualify for the tax credits
2 allocated to this category.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

Senate File 437 - Introduced

SENATE FILE 437
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 367)
(SUCCESSOR TO SSB 1177)

A BILL FOR

1 An Act providing for charitable food donations to food banks
2 and similar organizations, including by providing for
3 appropriations and a tax credit, and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2205SZ (3) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 437

SUBCHAPTER I

GENERAL

Section 1. NEW SECTION. 190B.101 Purpose.

The purpose of this chapter is to effectively and efficiently utilize Iowa's abundant supplies of nutritional food to relieve situations of emergency or distress experienced by individuals or families in need who reside in this state, including low-income individuals or families and unemployed individuals or families.

Sec. 2. NEW SECTION. 190B.102 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Federal emergency food assistance program*" means the federal emergency food assistance program, as provided in 7 C.F.R. pts. 250 and 251.

2. "*Food*" means a substance which is used in whole or in part for human consumption in compliance with federal and state standards or requirements including a donated food that meets the requirements of the federal emergency food assistance program.

3. "*Food commodity*" means any commodity that is derived from an agricultural animal or crop, both as defined in section 717A.1, that is produced on agricultural land as defined in section 425A.2, and that is intended to be used as food in its raw or processed state.

4. "*Iowa emergency feeding organization*" means a public or private nonprofit organization whose mission is compatible with the purpose of this chapter as provided in section 190B.101 and which includes an Iowa food bank or other organization that operates at a congregate nutritional site or that provides home-delivered meals in this state. An Iowa emergency feeding organization includes but is not limited to a food pantry, hunger relief center, or soup kitchen.

5. "*Iowa food bank*" means a private nonprofit organization which meets all of the following requirements:

LSB 2205SZ (3) 85

-1-

da/sc

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 437

- 1 *a.* It receives, holds, and directly or indirectly
2 distributes food principally to Iowa emergency feeding
3 organizations in a manner compatible with the purpose of this
4 chapter as provided in section 190B.101.
5 *b.* It is an organization described in section 501(c)(3)
6 of the Internal Revenue Code and exempt from taxation under
7 section 501(a) of the Internal Revenue Code.
8 *c.* It receives contributions that are deductible under
9 section 170 of the Internal Revenue Code.
10 6. "*Iowa food bank association*" or "*association*" means an
11 organization that meets all of the following requirements:
12 *a.* It is organized as a nonprofit corporation under chapter
13 504.
14 *b.* Its principal office is or has been located in this
15 state.
16 *c.* It is an organization described in section 501(c)(3)
17 of the Internal Revenue Code and exempt from taxation under
18 section 501(a) of the Internal Revenue Code.
19 *d.* It receives contributions that are deductible under
20 section 170 of the Internal Revenue Code.
21 *e.* Its members include Iowa food banks, or affiliations
22 of Iowa food banks, that together serve all counties in this
23 state.

24 SUBCHAPTER II

25 IOWA FOOD-LINK TO FOOD-BANK INITIATIVE

- 26 Sec. 3. NEW SECTION. 190B.201 **Definition.**
27 As used in this subchapter, "*department*" means the department
28 of human services.
29 Sec. 4. NEW SECTION. 190B.202 **Department of human services**
30 **— cooperation with other agencies.**
31 1. This subchapter shall be administered by the department
32 of human services.
33 2. The department shall adopt all rules necessary to
34 administer this subchapter.
35 3. Each fiscal year, the department shall award the

LSB 2205SZ (3) 85

da/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 437

1 amount appropriated in section 190B.203, to an Iowa food bank
2 association selected by the department to manage programs
3 associated with an Iowa food-link to food-bank initiative.
4 The department shall execute a contract with the association
5 to provide for the terms and conditions of the program's
6 management. A contract shall not obligate the state to pay
7 moneys for multiple fiscal years.

8 4. The department of agriculture and land stewardship,
9 the department of public health, and the department of
10 inspections and appeals shall cooperate with the department of
11 human services to administer the Iowa food-link to food-bank
12 initiative.

13 Sec. 5. NEW SECTION. 190B.203 Iowa food-link to food-bank
14 initiative — appropriation.

15 1. For the fiscal year beginning July 1, 2013, and ending
16 June 30, 2014, and for each subsequent fiscal year, there
17 is appropriated from the general fund of the state to the
18 department of human services the amount of two million dollars
19 to support an Iowa food-link to food-bank initiative to further
20 the purpose provided in section 190B.101.

21 2. The department of human services shall allocate
22 one million eight hundred thousand dollars of the amount
23 appropriated in subsection 1 to an Iowa food bank association
24 selected by the department as provided in section 190B.201 for
25 purposes of supporting the following programs:

26 a. An Iowa emergency food purchase program. The department
27 shall allocate one million seven hundred thousand dollars to
28 the association for the purchase of food on behalf of an Iowa
29 emergency feeding organization or for the distribution of
30 moneys to Iowa emergency feeding organizations for the purchase
31 of food.

32 (1) A preference shall be provided to the purchase of food
33 produced, processed, or packaged within this state whenever
34 reasonably practicable.

35 (2) The food shall be purchased in a manner that best

LSB 2205SZ (3) 85

-3-

da/sc

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 437

1 furthers a significant economic benefit to communities of this
2 state.

3 **b.** An Iowa emergency food nutritional education program.
4 The department shall allocate one hundred thousand dollars to
5 the association to distribute the moneys to one or more Iowa
6 emergency feeding organizations in order to provide instruction
7 regarding nutrition and promote a lifelong healthy diet.

8 **3.** The department of human services shall allocate two
9 hundred thousand dollars of the amount appropriated in
10 subsection 1 to an Iowa food bank association selected by the
11 department as provided in section 190B.202. The allocation
12 shall be used for the limited purpose of paying costs directly
13 associated with transporting or storing donated food associated
14 with the Iowa food-link to food-bank initiative as provided in
15 this subchapter.

16 SUBCHAPTER III
17 FROM FARM TO FOOD DONATION TAX CREDIT

18 Sec. 6. NEW SECTION. 190B.301 **Definitions.**

19 As used in this subchapter, unless the context otherwise
20 requires:

- 21 1. "*Department*" means the department of revenue.
22 2. "*Tax credit*" means the from farm to food donation tax
23 credit as established in this subchapter.

24 Sec. 7. NEW SECTION. 190B.302 **Department of revenue —**
25 **cooperation with other departments.**

26 1. This subchapter shall be administered by the department
27 of revenue.

28 2. The department shall adopt all rules necessary to
29 administer this subchapter.

30 3. The department of agriculture and land stewardship, the
31 department of public health, the department of human services,
32 and the department of inspections and appeals shall cooperate
33 with the department of revenue to administer this subchapter.

34 Sec. 8. NEW SECTION. 190B.303 **From farm to food donation**
35 **tax credit.**



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 437

1 A from farm to food donation tax credit is allowed against
2 the taxes imposed in chapter 422, divisions II and III, as
3 provided in this subchapter.

4 Sec. 9. NEW SECTION. 190B.304 From farm to food donation
5 tax credit — eligibility.

6 In order to qualify for a from farm to food donation tax
7 credit, all of the following must apply:

8 1. The taxpayer must produce the donated food commodity.

9 2. The taxpayer must transfer title to the donated food
10 commodity to an Iowa food bank, or an Iowa emergency feeding
11 organization, recognized by the department. The taxpayer shall
12 not receive remuneration for the transfer.

13 3. The donated food commodity cannot be damaged or
14 out-of-condition and declared to be unfit for human consumption
15 by a federal, state, or local health official. A food
16 commodity that meets the requirements for donated foods
17 pursuant to the federal emergency food assistance program
18 satisfies this requirement.

19 4. A taxpayer claiming the tax credit shall provide
20 documentation supporting the tax credit claim in a form and
21 manner prescribed by the department by rule.

22 Sec. 10. NEW SECTION. 190B.305 From farm to food donation
23 tax credit — claims filed by individuals who belong to business
24 entities.

25 An individual may claim a from farm to food donation
26 tax credit of a partnership, limited liability company,
27 S corporation, estate, or trust electing to have income
28 taxed directly to the individual. The amount claimed by the
29 individual shall be based upon the pro rata share of the
30 individual's earnings from the partnership, limited liability
31 company, S corporation, estate, or trust.

32 Sec. 11. NEW SECTION. 190B.306 From farm to food donation
33 tax credit — limits on claims.

34 A from farm to food donation tax credit is subject to all of
35 the following limitations:

LSB 2205SZ (3) 85

-5-

da/sc

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 437

1 1. The tax credit shall not exceed a qualifying amount for
2 the tax year that the tax credit is claimed. The qualifying
3 amount is the lesser of the following:
4 a. Fifteen percent of the value of the commodities donated
5 during the tax year for which the credit is claimed. The value
6 of the commodities shall be determined in the same manner as a
7 charitable contribution of food for federal tax purposes under
8 section 170(e)(3)(C) of the Internal Revenue Code.
9 b. Five thousand dollars.
10 2. A tax credit in excess of the taxpayer's liability for
11 the tax year is not refundable but may be credited to the tax
12 liability for the following five years or until depleted,
13 whichever is earlier.
14 3. If a tax credit is allowed, the amount of the
15 contribution for which the tax credit is claimed shall not
16 be deductible in determining taxable income for state tax
17 purposes.
18 4. A tax credit shall not be carried back to a tax year
19 prior to the tax year in which the taxpayer claims the tax
20 credit.
21 Sec. 12. NEW SECTION. 422.11E From farm to food donation
22 tax credit.
23 The taxes imposed under this division, less the credits
24 allowed under section 422.12, shall be reduced by a from farm
25 to food donation tax credit as allowed under chapter 190B,
26 subchapter III.
27 Sec. 13. Section 422.33, Code 2013, is amended by adding the
28 following new subsection:
29 NEW SUBSECTION. 30. The taxes imposed under this division
30 shall be reduced by a from farm to food donation tax credit as
31 allowed under chapter 190, subchapter III.
32 Sec. 14. APPLICABILITY. The provisions of this Act
33 providing for a from farm to food donation tax credit applies
34 to tax years beginning on or after January 1, 2014.

35

EXPLANATION

LSB 2205SZ (3) 85
da/sc

6/7

-6-



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 03, 2013

S.F. 437

1 GENERAL. This bill provides for charitable food donations
2 to food banks and other emergency feeding organizations that
3 relieve situations of emergency or distress experienced by
4 individuals or families in need who reside in this state.

5 IOWA FOOD-LINK TO FOOD-BANK INITIATIVE. The bill creates
6 an Iowa food-link to food-bank initiative administered by the
7 department of human services. Each fiscal year, moneys from
8 the general fund are appropriated to the department in order to
9 support several programs managed by an association representing
10 Iowa food banks. The programs provide for the purchase of food
11 and instruction regarding nutrition and diet. Moneys are also
12 allocated to pay for transporting and storing donated food.

13 TAX CREDIT — GENERAL. The bill establishes a from farm
14 to food donation tax credit against individual or corporate
15 income taxes. The tax credit may be claimed by the taxpayer
16 who produces a food commodity. The tax credit is administered
17 by the department of revenue.

18 TAX CREDIT — TAXPAYERS. The bill provides that the taxpayer
19 may claim a tax credit for 15 percent of the value of donated
20 commodities up to \$5,000. The bill requires that the donated
21 food commodities cannot be damaged or out-of-condition and
22 declared unfit for human consumption. The bill provides that
23 the tax credit is not refundable but allows a taxpayer to carry
24 forward the tax credit for up to five years. An individual may
25 claim a tax credit of a partnership, limited liability company,
26 S corporation, estate, or trust electing to have income taxed
27 directly to the individual.

28 TAX CREDIT — APPLICABILITY. The tax credit applies to tax
29 years beginning on or after January 1, 2014.